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SALUS POPULI SUPREMA LEX ESTO

“The welfare of the people shall be the supreme law.”



JASON KANDER
SECRETARY OF STATE

MISSOURI
REGISTER

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Documents will be accepted for filing on all regular workdays from 8:00 a.m. until 5:00 p.m. We encourage early filings to facilitate the timely publication of the *Missouri Register*. Orders of Rulemaking appearing in the *Missouri Register* will be published in the *Code of State Regulations* and become effective as listed in the chart above. Advance notice of large volume filings will facilitate their timely publication. We reserve the right to change the schedule due to special circumstances. Please check the latest publication to verify that no changes have been made in this schedule. To review the entire year's schedule, please check out the website at <http://www.sos.mo.gov/adrules/pubsched.asp>

Missouri Participating Libraries

The *Missouri Register* and the *Code of State Regulations*, as required by the Missouri Documents Law (section 181.100, RSMo Supp. 2013), are available in the listed participating libraries, as selected by the Missouri State Library:

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Thomas Jefferson Library University of Missouri-St. Louis 8001 Natural Bridge Road St. Louis, MO 63121-4499 (314) 516-5084	James C. Kirkpatrick Library University of Central Missouri 142 Edwards Library Warrensburg, MO 64093-5020 (660) 543-4149	Elmer Ellis Library University of Missouri-Columbia 106 B Ellis Library Columbia, MO 65211-5149 (573) 882-0748	Garnett Library Missouri State University—West Plains 304 Cleveland West Plains, MO 65775-3414 (417) 255-7945
Washington University Law Library Washington University Campus Box 1171, Mudd Bldg., One Brookings Dr. St. Louis, MO 63130-4899 (314) 935-6443	Kansas City Public Library 14 West 10th Street Kansas City, MO 64105 (816) 701-3546	Library State Historical Society of Missouri 1020 Lowry St. Columbia, MO 65211-7298 (573) 882-9369	Springfield-Greene County Library 4653 S. Campbell Springfield, MO 65801-0760 (417) 874-8110
St. Louis County Library 1640 S. Lindbergh Blvd. St. Louis, MO 63131-3598 (314) 994-3300 ext. 247	Law Library University of Missouri-Kansas City 5100 Rockhill Road Kansas City, MO 64110-2499 (816) 235-2438	Daniel Boone Regional Library PO Box 1267, 100 West Broadway Columbia, MO 65205-1267 (573) 443-3161 ext. 359	Meyer Library Missouri State University PO Box 175, 901 S. National Springfield, MO 65804-0095 (417) 836-4533
Library Maryville University 13550 Conway Road St. Louis, MO 63141-7232 (314) 529-9494	Miller Nichols Library University of Missouri-Kansas City 5100 Rockhill Road Kansas City, MO 64110-2499 (816) 235-2438	School of Law University of Missouri-Columbia 224 Hulston Hall Columbia, MO 65211-0001 (573) 882-1125	
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	St. Joseph Public Library 927 Felix Street St. Joseph, MO 64501-2799 (816) 232-8151		

HOW TO CITE RULES AND RSMo

RULES—Cite material in the *Missouri Register* by volume and page number, for example, Vol. 28, *Missouri Register*, page 27. The approved short form of citation is 28 MoReg 27.

The rules are codified in the *Code of State Regulations* in this system—

Title	Code of State Regulations	Division	Chapter	Rule
1	CSR	10-	1.	010
Department		Agency, Division	General area regulated	Specific area regulated

They are properly cited by using the full citation , i.e., 1 CSR 10-1.010.

Each department of state government is assigned a title. Each agency or division within the department is assigned a division number. The agency then groups its rules into general subject matter areas called chapters and specific areas called rules. Within a rule, the first breakdown is called a section and is designated as (1). Subsection is (A) with further breakdown into paragraph 1., subparagraph A., part (I), subpart (a), item I. and subitem a.

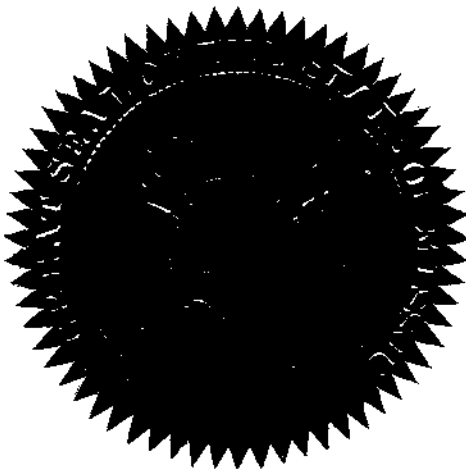
RSMo—The most recent version of the statute containing the section number and the date.

The Secretary of State shall publish all executive orders beginning January 1, 2003, pursuant to section 536.035.2, RSMo Supp. 2013.

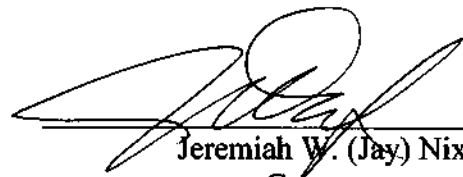
EXECUTIVE ORDER
13-13

TO ALL DEPARTMENTS AND AGENCIES:

This is to advise that state offices will be closed on Friday, November 29, 2013.

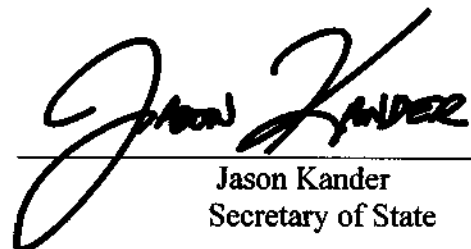


IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 1st day of November, 2013.



Jeremiah W. (Jay) Nixon
Governor

ATTEST:



Jason Kander
Secretary of State

Under this heading will appear the text of proposed rules and changes. The notice of proposed rulemaking is required to contain an explanation of any new rule or any change in an existing rule and the reasons therefor. This is set out in the Purpose section with each rule. Also required is a citation to the legal authority to make rules. This appears following the text of the rule, after the word "Authority."

Entirely new rules are printed without any special symbolology under the heading of proposed rule. If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission. Rules which are proposed to be amended will have new matter printed in boldface type and matter to be deleted placed in brackets.

An important function of the *Missouri Register* is to solicit and encourage public participation in the rulemaking process. The law provides that for every proposed rule, amendment, or rescission there must be a notice that anyone may comment on the proposed action. This comment may take different forms.

If an agency is required by statute to hold a public hearing before making any new rules, then a Notice of Public Hearing will appear following the text of the rule. Hearing dates must be at least thirty (30) days after publication of the notice in the *Missouri Register*. If no hearing is planned or required, the agency must give a Notice to Submit Comments. This allows anyone to file statements in support of or in opposition to the proposed action with the agency within a specified time, no less than thirty (30) days after publication of the notice in the *Missouri Register*.

An agency may hold a public hearing on a rule even though not required by law to hold one. If an agency allows comments to be received following the hearing date, the close of comments date will be used as the beginning day in the ninety- (90-) day-count necessary for the filing of the order of rulemaking.

If an agency decides to hold a public hearing after planning not to, it must withdraw the earlier notice and file a new notice of proposed rulemaking and schedule a hearing for a date not less than thirty (30) days from the date of publication of the new notice.

Proposed Amendment Text Reminder:

Boldface text indicates new matter.

[Bracketed text indicates matter being deleted.]

**Title 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and Transportation
Commission
Chapter 6—Outdoor Advertising**

PROPOSED AMENDMENT

7 CSR 10-6.010 Public Information. The Missouri Highways and Transportation Commission is amending sections (1) and (3) and deleting sections (2) and (4).

PURPOSE: *This amendment informs interested persons how they may obtain information and materials about state outdoor advertising control.*

(1) General Information. Sections 226.500-226.600, RSMo regulate outdoor advertising in Missouri adjacent to the interstate and primary highway systems. The Missouri General Assembly has delegated

authority to the Missouri Highways and Transportation Commission to implement these statutes. The Missouri Highways and Transportation Commission has adopted administrative rules, 7 CSR 10-6, under these statutes **to promote highway safety**. These rules have the force and effect of law and should be read together with the statutes.

[(2) Organization. The Missouri Highways and Transportation Commission controls and acts by and through the Missouri Department of Transportation which is directed by the director of transportation. For purposes of this rule, the state is geographically divided into seven (7) areas. Each outdoor advertising area office is headed by an outdoor advertising area permit specialist who is responsible to the outdoor advertising manager for supervising all outdoor advertising activities within that area. Counties in each area are as follows: Area No. 1 includes: Barton, Bates, Cass, Cedar, Clay, Dade, Henry, Jackson, Johnson, Lafayette, Platte, St. Clair, Vernon; Area No. 2 includes: Adair, Audrain, Chariton, Clark, Knox, Lewis, Linn, Macon, Marion, Monroe, Pike, Putnam, Ralls, Randolph, Schuyler, Scotland, Shelby, Sullivan; Area No. 3 includes: Benton, Boone, Callaway, Camden, Cole, Cooper, Gasconade, Hickory, Howard, Maries, Miller, Moniteau, Morgan, Osage, Pettis, Phelps, Pulaski, Saline; Area No. 4 includes: City of St. Louis, Crawford, Franklin, Jefferson, Lincoln, Montgomery, Perry, Ste. Genevieve, St. Charles, St. Francois, St. Louis, Warren, Washington; Area No. 5 includes: Barry, Christian, Dallas, Douglas, Greene, Jasper, Laclede, Lawrence, McDonald, Newton, Ozark, Polk, Stone, Taney, Webster, Wright; Area No. 6 includes: Bollinger, Butler, Cape Girardeau, Carter, Dent, Dunklin, Howell, Iron, Madison, Mississippi, New Madrid, Oregon, Pemiscot, Reynold, Ripley, Scott, Shannon, Stoddard, Texas, Wayne; Area No. 7 includes: Andrew, Atchison, Buchanan, Caldwell, Carroll, Clinton, Daviess, DeKalb, Gentry, Grundy, Harrison, Holt, Livingston, Mercer, Nodaway, Ray and Worth.]

[(3)](2) How to Obtain Information and Materials. Information and materials regarding outdoor advertising control[, including copies of sections 226.500–226.600, RSMo, administrative rules, application forms, maps of the interstate and primary highway systems, and area maps showing the location of the outdoor advertising area offices and the counties within each outdoor advertising area, may be obtained in person, or by writing or telephoning the outdoor advertising area permit specialist, Missouri Department of Transportation: Area No. 1, 600 NE Colbern Road—PO Box 648002, Lee's Summit, MO 64086, (816) 622-6353; Area No. 2, 1511 Missouri Boulevard, PO Box 718, Jefferson City, MO 65102, (513) 751-7187; Area No. 3, 1511 Missouri Boulevard, PO Box 718, Jefferson City, MO 65102, (573) 751-9289; Area No. 4, 1590 Woodlake Drive, Chesterfield, MO 63017, (314) 340-4327; Area No. 5, 3025 East Kearney—PO Box 868, Springfield, MO 65801, (417) 895-7648; Area No. 6, 2910 Barron Road, Poplar Bluff, MO 63901, (573) 840-9292; Area No. 7, U.S. Route 63—PO Box 8, Macon, MO 63552, (660) 385-8264] are available at http://www.modot.org/business/outdoor_advertising/.

[(4) Forms are available from the outdoor advertising permit specialist in each area.]

AUTHORITY: *sections 226.500–226.600, RSMo 2000 and Supp. [2002] 2013. Original rule filed April 11, 1972, effective April 30, 1972. For intervening history, please consult the Code of State Regulations. Amended: Filed Oct. 3, 2013.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Transportation, Pamela J. Harlan, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and Transportation
Commission
Chapter 6—Outdoor Advertising**

PROPOSED AMENDMENT

7 CSR 10-6.015 Definitions. The Missouri Highways and Transportation Commission is deleting sections (2), (5), (9), (10), (13), (14), (18), (21), (26), (29), (30), (32), (36), and (40). The commission is adding new sections (2), (8), and (26) and renumbering and/or amending all other sections.

PURPOSE: This amendment provides definitions of terms in addition to those terms defined in sections 226.510, 226.540, 226.541, and 226.580, RSMo.

(1) Animated means the display image(s) or message(s) moves or appears to have motion.

[(2) Area permit specialist means any one (1) of the Missouri Department of Transportation outdoor advertising area permit specialists.]

(2) Automatic changeable display means a display with the capability of content changes by means of mechanical or electronic input.

(3) Back-to-back sign, double-faced sign, or V-type sign is a sign with two (2) sides each of which can be read from opposite directions of the same roadway, with not more than two (2) faces to each side, and not more than two (2) display areas to each facing. The faces must be physically contiguous, *[or]* connected by the same structure or cross-bracing or located not more than fifteen feet (15') apart at their nearest point. *[The total display area for each side must not exceed eight hundred (800) square feet.]*

(4) Changed conditions mean/s/ a change in facts or local ordinance, such as but not limited to, discontinuance of a commercial or industrial activity, decrease in the limits of an urban area, reclassification of a secondary highway to interstate or federal aid primary or National Highway System (NHS) highway status, upgrading of an urban primary highway to freeway status or amendment of a comprehensive local zoning ordinance from commercial to residential or the like.

[(5) Chief engineer means the chief engineer of the Missouri Department of Transportation or his or her designated representative.]

[(6)](5) Commercial or industrial activities are defined in section 226.540(5) and (6), RSMo.

[(7)](6) Commission means the Missouri Highways and Transportation Commission.

[(8)](7) Department means the Missouri Department of Transportation.

(8) Digital technology means display of a message by manipulation of light projected onto a screen or otherwise produced within the screen including displays using light emitting diode (LED) technology, plasma technology, or any industry equivalent that produces the same result as these technologies.

[(9) Directional and other official signs means only official signs and notices, public utility signs, service club and religious notices, public service signs and directional signs.]

[(10) Director of transportation means the director of transportation of the Missouri Department of Transportation, appointed by the Missouri Highways and Transportation Commission under section 226.040, RSMo, or the director of transportation's authorized representative.]

[(11)](9) Display means a single graphic design which advertises goods, services, or businesses.

[(12)](10) Erect means to construct, build, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish.

[(13) Exempt billboard means a billboard erected by those organizations that are required to be permitted and are exempt from paying any fees. These organizations include religious, service, fraternal and veteran organizations.]

[(14) Federal or state law means a federal or state constitutional provision or statute or an ordinance or rule enacted or adopted by Missouri or a federal agency or a political subdivision in Missouri pursuant to a federal or state constitution or statute.]

[(15)](11) Flashing means emitting a series of sudden and transient outbursts of light.

[(16)](12) Highway means any existing highway or a roadway project for which the Missouri Highways and Transportation Commission has authorized the purchase of right-of-way.

[(17)](13) Intermittent means occurring at intervals.

[(18) Landmark signs means outdoor advertising determined by agreement between the commission and the secretary of transportation to have been lawfully in existence on October 22, 1965, and to be of historical or artistic significance under section 226.545, RSMo.]

[(19)](14) Lawful means lawfully erected and in compliance with all other legal requirements including, but not limited to, permit requirements, payment of biennial inspection fees, and in the case of nonconforming signs, the requirements of 7 CSR 10-6.060(3).

[(20)](15) Lawfully erected means erected prior to January 1, 1968 or erected after January 1, 1968, in compliance with the sizing, lighting, spacing, location, permit, and all other requirements of sections 226.500–226.600, RSMo as provided by those sections at the erection date of the sign; or erected after January 1, 1968, and before March 30, 1972, in compliance with the sizing, lighting, spacing, and location requirements in effect at the time of erection, but for which a permit was not obtained prior to March 30, 1972.

[(21)] **Local** means a specific district, county, township, or municipality responsible for issuing business licenses so that the owner or their assigns can engage in lawful sales or service.]

[(22)] **(16)** Maintain means allow to exist.

[(23)] **(17)** Main-traveled way means the through traffic lanes of the highway[, exclusive of frontage roads, outer roads, auxiliary lanes, ramps and all shoulders].

[(24)] **(18)** Nonconforming sign or nonconforming outdoor advertising means a sign which was lawfully erected but which does not conform to the requirements of state statutes enacted at a later date or which later fails to comply with state statutes due to changed conditions.

[(25)] **(19)** On-premises sign is limited to outdoor advertising which advertises—the sale or lease of the property upon which it is located, the name of the establishment or activity located upon the premises upon which it is located, or the principal or accessory products or services offered by the establishment or activity upon the premises upon which it is located.

[(26)] **Outdoor advertising permit informal review committee** consists of the director of operations, director of project development, and the right-of-way director or their designees.]

[(27)] **(20)** Parkland means any publicly-owned land which is designated or used as a public park, recreation area, wildlife or waterfowl refuge, or historic site.

[(28)] **(21)** Premises is limited to improvements, buildings, parking lots, landscaping, storage, or processing areas as well as any other contiguous land actually used in connection with the premises or for access.

[(29)] **Readily accessible access** means easy and convenient availability without obstruction and is maintained adjacent to an official roadway designated by a state, county, or local authority and can be traversed by a regular passenger vehicle.]

[(30)] **Regular intervals** means hours of operation posted and occurring uniformly on a regular basis.]

[(31)] **(22)** Scenic area means any area of particular scenic beauty or historic significance as determined by the federal, state, or local officials having jurisdiction of the area and includes interests in land which have been acquired for the restoration, preservation, and enhancement of scenic beauty *[(see 7 CSR 10-6.020)]*.

[(32)] **Secretary of transportation** means the United States Secretary of Transportation.]

[(33)] **(23)** Sign means outdoor advertising as defined by section 226.510(3), RSMo.

[(34)] **(24)** Spot zoning for outdoor advertising or strip zoning for outdoor advertising means an amendment, variance, or exception to the comprehensive local zoning ordinance classifying or zoning a parcel of land as commercial, industrial, or suitable for outdoor advertising, out of harmony with the zoning classification or uses of surrounding land as determined by the *[chief engineer]* department's authorized representative.

[(35)] **(25)** Stacked sign means a sign with one **(1)** or more displays placed one **(1)** above another on a single structure.

[(36)] **State** means the state of Missouri.]

(26) **Support pole(s)** means the upright support(s) to which the face is attached exclusive of bracing mechanism.

[(37)] **(27)** Unlawful signs or unlawful outdoor advertising are those identified as unlawful in sections 226.580.1 and 226.580.2, RSMo, **7 CSR 10-6.040(5)**, and 7 CSR 10-6.080(2), and nonconforming signs which have failed to comply with the requirements of 7 CSR 10-6.060(3).

[(38)] **(28)** Unzoned area means an area where there is no comprehensive zoning regulation. It does not include areas which have rural zoning classifications, land uses established by zoning variances or special exceptions under comprehensive local zoning ordinances.

[(39)] **(29)** Unzoned commercial or industrial areas or unzoned commercial or industrial land is defined by sections 226.540(4) and 226.540(5), RSMo and 7 CSR 10-6.040(2)(B).

[(40)] **Urban area** is defined in section 226.510(6), RSMo.]

[(41)] **(30)** Visible means capable of being seen, whether or not legible, without visual aid by a person of normal visual acuity. A person *[or]* of normal visual acuity is any person licensed by Missouri to operate a motor vehicle upon the highways of this state.

[(42)] **(31)** Zoned commercial or industrial areas are areas which are zoned industrial, commercial, or the like per section 226.540(5), RSMo and which meet the requirements of 7 CSR 10-6.040(2)(C).

AUTHORITY: section[s] 226.150, RSMo 2000, and sections 226.500–226.600, RSMo 2000 and Supp. [2002] 2013. Original rule filed May 16, 1977, effective Oct. 15, 1977. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Oct. 3, 2013.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Transportation, Pamela J. Harlan, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 7—DEPARTMENT OF TRANSPORTATION Division 10—Missouri Highways and Transportation Commission

Chapter 6—Outdoor Advertising

PROPOSED AMENDMENT

7 CSR 10-6.020 Directional and Other Official Signs. The Missouri Highways and Transportation Commission is amending subsections (7)(A), (7)(D), and (7)(F).

PURPOSE: This amendment supplements the process to select, erect, and maintain directional and other official signs and notices authorized by section 226.520(1), RSMo, which are consistent with federal regulations, 23 CFR 750.151, implemented under 23 U.S.C. 131(c)(1).

(7) Standards for Directional Signs. The following standards apply only to directional signs:

(A) General. The following directional signs are prohibited: signs advertising activities that are illegal under federal or state laws or regulations in effect at the location of those signs or at the location of those activities; signs which obstruct or interfere with the driver's view of approaching, merging, or intersecting traffic; signs which move or have any animated or moving parts; signs located in rest areas, parklands, or scenic areas; and signs not lawfully existing under section 226.550.2., RSMo, or unlawful signs under section 226.580, RSMo [and 7 CSR 10-6.080(2)];

(D) Spacing. *[Each proposed location for a directional sign must be approved by the right-of-way director or designee prior to its erection.]* No directional sign may be located within two thousand feet (2,000') of an interchange or intersection at grade along the interstate system or freeway primary highway (measured along the interstate or freeway primary highway from the nearest point of the beginning or ending of pavement widening at the exit from or entrance to the main traveled way). No directional sign may be located within two thousand feet (2,000') of a rest area, parkland, or scenic area; no two (2) directional signs facing the same direction of travel shall be spaced less than one (1) mile apart. Not more than three (3) directional signs facing the same direction of travel may be erected along a single route approaching the activity or attraction. Signs located adjacent to the interstate system shall be within seventy-five (75) air miles of the activity or attraction. Signs located adjacent to the primary system shall be within fifty (50) air miles of the activity or attraction;

(F) Selection Method and Criteria.

1. Criteria. Activities and attractions qualifying for directional signing shall be limited to—public places owned or operated by federal, state, or local governments or their agencies; publicly- or privately-owned natural phenomena, historic, cultural, scientific, educational, and religious sites; and areas of natural scenic beauty or naturally suited for outdoor recreation. Privately-owned activities or attractions must be deemed by the commission to be nationally or regionally known and of outstanding interest to the traveling public. *[Upon request, the applicant for a directional sign permit shall submit sufficient evidence to the right-of-way director or designee for the commission to determine whether or not the activity or attraction is nationally or regionally known and of outstanding interest to the traveling public.]*

2. Selection. **To promote highway safety, the [The] commission** shall determine those public and private activities and attractions which qualify for directional signing. After filing an application for a directional sign permit, the applicant may petition the commission to determine whether or not a specific public or private activity or attraction is eligible for directional signing. The petition may be in letter form and shall include: a statement by the owner of the activity or attraction describing the activity or attraction and evidence that the activity or attraction is nationally or regionally known and is of outstanding interest to the traveling public. In the case of any publicly-owned activity or attraction, the petition must also be accompanied by the written consent or approval of the federal, state, or local political subdivision having legal authority or control over the activity or attraction where the authority is not the applicant requesting that the activity or attraction be designated as eligible for directional signing. The commission may grant the applicant, upon request, a public hearing to aid the commission in reaching a decision of whether or not the activity or attraction qualifies for directional signing. This hearing would be informal and would not be subject to the procedural requirements of Chapter 536, RSMo. In excep-

tional cases, the commission may require review and concurrence by the **United States [s]/Secretary of [t/T]ransportation** before reaching a decision. Petitions and requests for public hearing must be in writing and addressed to the *[right-of-way director or designee for the county in which the activity or attraction is located (see 7 CSR 10-6.010)] department's authorized representative.*

AUTHORITY: section[s] 226.150 and sections 226.500–226.600, RSMo 2000 and Supp. [2002] 2013. Original rule filed May 16, 1977, effective Oct. 15, 1977. For intervening history, please consult the Code of State Regulations. Amended: Filed Oct. 3, 2013.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Transportation, Pamela J. Harlan, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 7—DEPARTMENT OF TRANSPORTATION Division 10—Missouri Highways and Transportation Commission Chapter 6—Outdoor Advertising

PROPOSED AMENDMENT

7 CSR 10-6.030 On-Premises Signs. The Missouri Highways and Transportation Commission is amending sections (1) and (2).

PURPOSE: This amendment supplements the criteria for exempting from control on-premises signs authorized by section 226.520(2), RSMo, consistent with federal regulations, 23 CFR 750.709, implemented under 23 U.S.C. 131(c).

(1) Definitions (see 7 CSR 10-6.015). *[In particular, see 7 CSR 10-6.015(25) and (28) for definitions of on-premises sign and premises, respectively.]*

(2) Criteria. **Pursuant to section 226.520(2), RSMo, on-premises signs are exempt from the control of outdoor advertising.**

[(A) Size. There are no size limitations.

(B) Lighting. There are no lighting limitations for on-premises signs in sections 226.500–226.600, RSMo but signs which purport to be or imitate or resemble official traffic-control devices or railroad signs or signals, or which attempt to direct the movement of traffic, or which hide from view or interfere with the effectiveness of an official traffic-control device or any railroad sign or signal are prohibited by section 304.321, RSMo.

(C) Spacing. There are no spacing limitations or limitations on the number of on-premises signs per premises.]

[(D)](A) Strips. Land connected to the main portion of the premises by a thin strip of land either owned or leased by the owner of the premises or sign owner is not considered part of the premises unless the strip of land is actually used in connection with or for access to the establishment or activity being advertised. If the strip size is sufficient only for outdoor advertising or is used only for outdoor advertising, the strip does not qualify as a part of the premises.

[(E)](B) Intervening Land Use. Signs on land separated from the advertised establishment, activity, or property by an intervening land use such as a highway, another unrelated commercial activity, a residence or an agricultural activity do not qualify as on-premises signs.

[(F) Rental Income. *A sign which produces rental income for the owner or lessee of the premises, which consists principally of brand name or trade name advertising and which only incidentally advertises the principal or accessory products or services offered upon the premises upon which it is located does not qualify as an on-premises sign.]*

[(G)](C) Products and Services Not Offered Upon Premises. A sign which advertises in a prominent manner, as determined by the **[chief engineer] department's authorized representative**, a product or service not offered upon the premises upon which the sign is located in addition to a product or service which is offered upon the premises upon which the sign is located, does not qualify as an on-premises sign. A sale or lease sign which also advertises any product or service not offered upon the premises and which is unrelated to the activity conducted on the premises or selling or leasing the land on which the sign is located does not qualify as an on-premises sign.

[(H)](D) Changing from On-Premises Advertising to Off-Premises Advertising.

1. An outdoor advertising sign may be converted from advertising on-premises goods and services to advertising off-premises goods and services so long as:

A. The sign meets all requirements **[of law]** for **[(legal)] lawful**, conforming outdoor advertising signs in effect at the time the advertising changes from advertising on-premises activities to advertising off-premises activities; and

B. The sign owner receives an outdoor advertising permit issued by the commission prior to changing the advertising from advertising on-premises activities to advertising off-premises activities.

2. For purposes of outdoor advertising control, the date of erection of the outdoor advertising is the date the sign changes from advertising on-premises goods and services to off-premises goods and services.

[(I)](E) Cessation of On-Premises Activity. [Upon] To promote highway safety, upon the cessation or termination of a business activity within the regulated area along the primary and interstate highway system, the sign owner shall have thirty (30) days to remove on-premises advertising. After thirty (30) days, the sign will no longer qualify as an on-premises sign and will be subject to the same conditions and requirements as off-premises outdoor advertising signs. The cessation or termination of a business activity does not constitute a changed condition so as to render an on-premises sign a nonconforming outdoor advertising sign.

AUTHORITY: section[s] 226.150 and sections 226.500–226.600, RSMo 2000 and Supp. [2002] 2013. Original rule filed Feb. 1, 1973, effective March 2, 1973. For intervening history, please consult the **Code of State Regulations**. Amended: Filed Oct. 3, 2013.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Transportation, Pamela J. Harlan, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

Title 7—DEPARTMENT OF TRANSPORTATION Division 10—Missouri Highways and Transportation Commission Chapter 6—Outdoor Advertising

PROPOSED AMENDMENT

7 CSR 10-6.040 Outdoor Advertising in Zoned and Unzoned Commercial and Industrial Areas. The Missouri Highways and Transportation Commission is amending sections (1), (2), (5), and (6), deleting sections (3) and (4), and adding new sections (5), (6), and (7).

PURPOSE: This amendment eliminates duplicative requirements for erection and maintenance of outdoor advertising in zoned and unzoned commercial and industrial areas already authorized by sections 226.520(3)-(4), 226.540(4)-(7), and 226.541, RSMo. The amendment also establishes standards for: 1) digital technology use in outdoor advertising; 2) the sign reset agreement program; and 3) the reconstruction and repair of conforming out of standard signs.

(1) Definitions (see **section 226.541, RSMo, and 7 CSR 10-6.015**).

(2) Criteria for Determination of Zoned and Unzoned Commercial and Industrial Areas.

(A) Zoned Commercial and Industrial Areas. The following does not constitute a zoned commercial or industrial area:

1. An area or district which has been spot zoned or strip zoned for outdoor advertising;

2. An area or district which merely allows commercial or industrial activities as well as outdoor advertising as an incident to the primary land use which is other than a zoned commercial or industrial area. Examples are: agricultural, rural, unclassified, greenbelt, buffer zoning or other similar classifications which may allow specified commercial or industrial land uses including outdoor advertising; and residential and multi-family zoning classifications which may allow outdoor advertising and specified home occupations such as barber shops, beauty shops, kennels, repair shops, or professional offices;

3. An area or district which requires a special use permit, special zoning classification, or variance as a condition to the use of the area for an activity generally considered industrial or commercial; and]

[4. An area that is not within seven hundred fifty feet (750') of one or more permanent commercial or industrial activities as defined in section 226.540(6), RSMo.]

(C) Primary Use Test.

1. In General. In order for an area to qualify as an unzoned commercial or industrial area, the primary use or activity conducted on the property must be of a type customarily and generally required by local comprehensive zoning authorities in Missouri to be restricted as a primary use to areas which are zoned industrial or commercial. The fact that an activity may be conducted for profit in the area is not determinative of whether or not an area is an unzoned commercial or industrial area. Activities incidental to the primary use of the property, such as a kennel or repair shop in a building or on property which is used primarily as a residence, do not constitute commercial or industrial activities for the purpose of determining the primary use of an unzoned area even though income is derived from the activity. If, however, the activity is primary and local comprehensive zoning authorities in Missouri would customarily and generally require the use to be restricted to a commercial or industrial area, then the activity constitutes a commercial or industrial activity for purposes of determining the primary use of the property even though the owner or occupant of the land may also live on the property.

2. Visible. The purported commercial or industrial activity must be visible from the main-traveled way within the boundaries of that unzoned commercial or industrial area by a motorist of normal visual

acuity traveling at the maximum posted speed limit on the main-traveled way of the highway. *[Visibility will be determined at the time of the field inspection by the department's authorized representative.]*

3. Recognizable. The purported commercial or industrial activity must be recognizable as a commercial or industrial enterprise as viewed from both directions of travel of the adjacent interstate or primary highway. In addition, the activity must comply with each of the following:

A. Structure and grounds requirements—

(I) Area. Any structure to be used as a business or office must have an enclosed area of two hundred (200) square feet or more;

(II) Foundation. Any structure to be used as a business or office must be affixed on a slab, piers, or foundation **in accordance with minimum local building code requirements**;

(III) Access. Any structure to be used as a business or office must have approved access from a roadway and readily accessible by the motorist to a defined customer parking lot adjacent to the business building;

(IV) Utilities. Any structure to be used as a business or office must have normal utilities. Minimum utility service shall include: business telephone, electricity, **restroom**, water service, and waste water disposal, all in compliance with appropriate local, state, and county rules/. *Should a state, county or local rule not exist, compliance with minimum utility service shall be determined at the time of field inspection by the department's authorized representative*;

(V) Identification. The purported enterprise must be identified as a commercial or industrial activity which may be accomplished by on-premises signing or outside visible display of product;

(VI) Use. Any structure to be used as a business or office must be used exclusively for the purported commercial or industrial activity; and

(VII) *[Limits. Limits of the business activity shall be in accordance with section 226.540(4), RSMo]* **Mobile Home or Recreational Vehicle. All wheels, axles, and springs must be removed**;

B. Activity requirements. In order to be considered a commercial or industrial activity for the purpose of outdoor advertising regulation, the following conditions must be met:

(I) An owner or employee must be on the premises for at least twenty (20) hours per week and these hours must be posted on the premises;

(II) The purported activity or enterprise shall maintain all local business licenses, occupancy permits, sales tax, and other records as may be required by applicable state, county, or local law or ordinance;

(III) A sufficient inventory of products must be maintained for immediate sale or delivery to the consumer. If the product is a service, it must be available for purchase on the premises; and

(IV) The purported activity or enterprise must be in active operation a minimum of one hundred eighty (180) days prior to the issuance of any outdoor advertising permit. The one hundred eighty-(180)-/- day time frame begins when the business activity is in compliance with all business requirements as set forth in sections 226.500 to 266.600, RSMo and this rule; and

[C. Where a mobile home or recreational vehicle is used as a business or office, the following conditions and requirements also apply:

(I) Self-propelled vehicles will not qualify for use as a business or office for the purpose of these rules:

(II) All wheels; axles and springs must be removed;

(III) The vehicle must be permanently secured on piers, pad or foundations;

(IV) The vehicle must be tied down in accordance with minimum code requirements. If no code, the vehicle must be affixed to piers, pad or foundation; and

(V) Any structure to be used as a business or office must have normal utilities. Minimum utility service shall include; business telephone, electricity, water service and waste water disposal, all in compliance with appropriate local, state and county rules. Should a state, county or local rule not exist, compliance with minimum utility service shall be determined at the time of field inspection by the department's authorized representative.

(3) Standards for Allowed Signs.

(A) *In General. Outdoor advertising shall be permitted only when the following criteria are met:*

1. *The outdoor advertising structure is in compliance with the sizing, spacing, lighting and location requirements for outdoor advertising erected and maintained in zoned and unzoned commercial and industrial areas as authorized by section 226.540, RSMo;*

2. *The outdoor advertising structure is on the same side of the highway as the commercial or industrial activity;*

3. *The outdoor advertising structure is within seven hundred fifty feet (750') of the commercial or industrial activity or from any commercial or industrial structure meeting the structure and grounds requirements of subparagraph (2)(C)3.A. of this rule; and*

4. *In accordance with department permit requirements (see 7 CSR 10-6.070).*

(B) *Measurement of Distances. Distances shall be measured along the nearest edge of the pavement between points directly opposite the signs along each side of the highway and shall apply only to signs located on the same side of the highway involved. The sign measurement points shall be those which yield the shortest distance between the structures. If the signs are angled or V-shaped, the nearest points of the structures to each other are to be used.*

(4) *Multiple Face Structures. A back-to-back sign, double-faced sign or V-type sign is a sign with two (2) sides or outdoor advertising faces owned by the same sign owner which are physically contiguous, or connected by the same structure or cross bracing or located not more than fifteen feet (15') apart at their nearest point. New stacked structures, as defined in 7 CSR 10-6.015(35), are prohibited. Three (3) or four (4) face structures, with each face positioned to be read from a different direction along intersecting routes will be allowed provided the spacing requirements of fourteen hundred feet (1,400') are met along each route. Each side or face of this multiple sign structure shall be considered as one (1) sign for the purpose of determining whether or not it complies with the sizing, lighting, spacing and location requirements of section 226.540, RSMo provided that the total display area of each side of a multiple sign structure is limited to a total area of eight hundred (800) square feet. The total display area of each side shall be measured by the smallest square, rectangle, triangle, circle or contiguous combination of shapes which will encompass the display(s) of each side.]*

[(5)](3) Permits (see 7 CSR 10-6.070 for state permit requirements).

[(6)](4) A permit may be granted for an automatic changeable display or [a projected image display provided:] digital technology. To promote highway safety, automatic changeable displays and digital technology shall meet the following conditions:

(A) *The static display time for each message is a minimum of [eight (8)] ten (10) seconds;*

(B) *The time to completely change from one message to the next for an automatic changeable display is a maximum of two (2) seconds, and the time to completely change from one message to the*

next for digital technology shall be instantaneous with no discernible time gaps between displays;

(C) The change of message must occur simultaneously for the entire sign face;

(D) The outdoor advertising structure meets all other requirements in sections 226.500 to 226.600, RSMo and this rule. Any such sign shall be designed such that the sign will freeze in one position if a malfunction occurs;

(E) The image does not flas/k/h or flicker in accordance with section 226.540(1)(A), RSMo;

(F) The image is projected onto a securely fixed, substantial structure and in accordance with the provisions in sections 226.500 to 226.600, RSMo; *[and]*

(G) No projected image(s) or message(s) shall appear to move or be animated/./;

(H) The sign luminance shall not exceed three hundred (300) candelas per square meter in full white mode between the periods of sunset to sunrise as calculated by the United States Naval Observatory; and

(I) In accordance with section 226.541, RSMo, if allowed by local regulations, a conforming out of standard sign may be upgraded with digital technology provided—

1. Up to twenty percent (20%) of the sign face, not to exceed one hundred sixty (160) square feet of area may be upgraded with digital technology for displaying text or numbers; or

2. More than twenty percent (20%) of the sign face may be upgraded with digital technology only if it maintains a distance of at least one thousand four hundred feet (1,400') from any other such digital technology display sign in which more than twenty percent (20%) of the sign face contains digital technology. Permit owners shall submit a written request to upgrade more than twenty percent (20%) of the sign face with digital technology and obtain approval prior to making any changes to the sign. Written upgrade requests will be time and date stamped upon their receipt and priority in contested areas will be assigned in chronological order. If granted, the approval to upgrade to digital technology will expire twelve (12) months from the date it is issued.

(5) Reconstruction or Repair of Conforming out of Standard Signs. Conforming out of standard signs shall not be substantially rebuilt as provided in section 226.541, RSMo. A conforming out of standard sign that is substantially rebuilt shall be considered unlawful and any permit issued by the commission for the sign shall be voided and the fee shall be retained by the commission.

(6) Moratorium of New Outdoor Advertising Permits.

(A) A moratorium of new outdoor advertising permits will be imposed within the outdoor advertising control area for that section of highway scheduled for construction where funding for right-of-way acquisition is approved by the commission under the Statewide Transportation Improvement Program;

(B) For purposes of the moratorium, completion of construction as used in section 226.541, RSMo, shall mean when a final inspection is performed by the commission and all construction is determined to be completed to the satisfaction of the commission without any requested changes or corrections.

(C) New applications for permit to erect and/or maintain outdoor advertising will not be accepted for any phase or portion of construction or reconstruction of any street or highway imposed by a moratorium until said moratorium is lifted.

(7) Sign Reset Agreement Program. For the purposes of implementing the sign reset agreement program pursuant to section 226.541, RSMo, the following shall apply:

(A) A sign permit amendment shall be issued only to qualifying signs that are displaced within the construction limits of any phase or portion of construction of any street or highway where

funding for right-of-way acquisition is approved by the commission under the Statewide Transportation Improvement Program;

(B) Reset signs must be reconstructed of the same type materials and may not exceed the square footage of the original sign structure as it existed on the date of the Notice of the Intended Acquisition.

AUTHORITY: section[s] 226.150 and sections 226.500–226.600, RSMo 2000 and Supp. [2002] 2013. Original rule filed Feb. 6, 1974, effective March 8, 1974. For intervening history, please consult the Code of State Regulations. Amended: Filed Oct. 3, 2013.

PUBLIC COST: This proposed amendment will save the Missouri Department of Transportation and the Missouri Highways and Transportation Commission two hundred fifty thousand dollars (\$250,000) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Transportation, Pamela J. Harlan, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**FISCAL NOTE
PUBLIC COST**

- I. Department Title:** 7 - Department of Highway and Transportation
Division Title: 10 - Missouri Highways and Transportation Commission
Chapter Title: 6 - Outdoor Advertising

Rule Number and Name:	7 CSR 10-6.040 Outdoor Advertising in Zoned and Unzoned Commercial and Industrial Areas
Type of Rulemaking:	Amended Rule

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Missouri Highways and Transportation Commission / Missouri Department of Transportation	\$250,000 net savings per year

III. WORKSHEET

Potential Net Savings

Estimated number of billboards impacted by reset under the 2012 to 2016 Statewide Transportation Improvement Program (STIP)	20
Average value of a billboard	\$150,000
Average cost to reset a billboard	$\$150,000 \times 25\% = \$37,500$
Estimated cost to reset billboards under the STIP	$20 \times \$37,500 = \$750,000$
Estimated cost of traditional method of acquisition / salvage under the STIP	$(\$150,000 - \$37,500) \times 20 = \$2,250,000$
Estimated net savings of cost to reset versus traditional cost under the STIP	$\$2,250,000 - \$750,000 = \$1,500,000$
Estimated net savings per fiscal year under the STIP	$\$1,500,000 / 5 = \$300,000$

Potential Cost

Estimated conforming out of standard billboards in Missouri	3,450
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Conforming out of standard billboards likely to request full digital upgrade	132
Estimated digital upgrade requests in relation to the total number of conforming out of standard billboards in Missouri	$132 / 3,450 = 4\%$
Estimated number of billboards to be impacted by acquisition under the 2012 to 2016 STIP	1
Estimated digital upgrade request candidates impacted by the STIP	$1 \times 4\% = .04$ (round up to 1)
Estimated additional cost to purchase a billboard that has been upgraded with full digital technology	\$250,000
Estimated costs per Fiscal Year under the STIP	$\$250,000 / 5 = \$50,000$
Total Potential Net Savings	$\$300,000 - \$50,000 = \$250,000$

IV. ASSUMPTIONS

Potential Net Savings

Truly Agreed and Finally Passed (TAFP) House Bill 1402 establishes a sign reset agreement program for conforming out of standard signs. Since MoDOT has not relocated or reset billboards, there is no statistical data readily available to estimate the reset cost. Thus the assumption is made with input from an industry representative that it would cost approximately 25% of the billboards value to reset the billboard in actual costs.

While it is highly unlikely, but for the purposes of this fiscal note, it is assumed that no condemnation action will be necessary to acquire billboards when using the traditional method of acquisition.

The logic and methodology of estimating the fiscal impact to the department is as follows: Using the 2012 to 2016 Statewide Transportation Improvement Program (STIP) as a foundation, projects that have right of way dollars programmed were analyzed to determine whether there are currently billboard structures within the estimated project limits. In the STIP, there were estimated to be 20 billboard structures impacted. An assumption will be made that the estimated 20 billboards impacted will all be reset under the sign reset agreement program.

It is estimated that the average value of a billboard structure is \$150,000. Using the industry estimate of 25% of the value as an actual cost to reset, the average cost per billboard to reset would be \$37,500.

It must be noted that the traditional method of purchase allows for salvage of the structure. Salvage values vary by structure; however, using the industry's estimate, the

average salvage values amount to approximately 50% of the billboards value. Salvage values are typically negotiated and often result in a reduction in salvage value thus a salvage value for the purpose of this exercise will be applied at 25%. An assumption will be made that all billboards acquired using the traditional method will be salvaged by the billboard owner.

These calculations indicate that an estimated \$1,500,000 could be saved during Fiscal Year 2012 to 2016 of the current approved STIP.

Potential Cost

TAFP House Bill 1402 establishes conforming out of standard as a new category of outdoor advertising signs and states that these signs shall be treated as conforming signs. A conforming out of standard sign owner could upgrade the structure by enlarging it, adding digital technology, etc., which could result in higher acquisition / condemnation costs to the Missouri Highways and Transportation Commission (MHTC).

When the original fiscal note was developed, the Missouri Department of Transportation estimated that 20 billboards would be impacted by the 2012 to 2016 STIP. Currently, there are approximately 8,800 billboards in Missouri with 6,900 of the billboards nonconforming and 1,900 of the billboards conforming. MoDOT estimates that approximately 50% (3,450) of the 6,900 nonconforming billboards became conforming out of standard billboards. MoDOT is also making the assumption that other factors may come into play that would prohibit a conforming out of standard billboard from being reset. Some of these factors may include: city regulations being stricter than the state law; inability for the billboard owner to secure a lease agreement with the adjoining property owner; and unacceptable grade of adjoining property that would prohibit the effective use of the billboard. In these cases, the MHTC would have to purchase the conforming out of standard billboard. However, because of its conforming out of standard status, the billboard could have been upgraded with digital technology – thereby resulting in a higher acquisition cost for the MHTC. Our assumption is that one billboard will be impacted by acquisition under the 2012 to 2016 STIP.

One hundred and thirty two (132) conforming out of standard billboards were identified by billboard owners as digital upgrade candidates. If all 132 billboards were upgraded, 4% of the total conforming out of standard billboards (3,450) would be upgraded. Applying this 4% to the billboard impacted by acquisition, 0.04 billboards in a 5 year period would be upgraded with digital technology and purchased by the MHTC. Since MoDOT cannot purchase 0.04 of a billboard, MoDOT will assume that one conforming out of standard billboard will be upgraded to full digital technology and purchased by the MHTC under the 2012 to 2016 STIP.

The average estimated cost of acquiring a billboard is \$150,000. Estimates provided by the industry state that it costs approximately \$150,000 to \$250,000 to upgrade a billboard with full digital technology. As a worst case scenario, the MHTC could spend an additional \$250,000 under the 2012 to 2016 STIP.

**Title 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and Transportation
Commission
Chapter 6—Outdoor Advertising**

PROPOSED AMENDMENT

7 CSR 10-6.050 Outdoor Advertising Beyond Six Hundred Sixty Feet (660') of the Right-of-Way. The Missouri Highways and Transportation Commission is amending sections (2) and (3).

PURPOSE: This amendment eliminates the need to view urban area maps at a specific physical office location.

(2) Determination of Urban Areas. The term urban area is defined by section 226.510(6), RSMo. *[Maps depicting urban areas may be viewed at the appropriate outdoor advertising area office (see 7 CSR 10-6.010).]*

(3) Determination of Purpose. The *[chief engineer]* department's **authorized representative** shall determine under section 226.527, RSMo, when a sign is erected with the purpose of its message being read from the main-traveled way of an interstate or primary highway.

(B) Multiple Highways. A sign may be visible or erected, or both, with the purpose of its message being read from two (2) or more interstate or primary highways. These signs must comply with the sizing, lighting, spacing, location, and permit requirements applicable to each interstate or primary highway. *[Where]* **To promote highway safety, where** there is a conflict between sizing, lighting, spacing, or location requirements of sections 226.500–226.600, RSMo, the most restrictive requirements shall prevail.

AUTHORITY: section[s] 226.150, RSMo 2000, and sections 226.500–226.600, RSMo 2000 and Supp. [2002] 2013. Original rule filed May 16, 1977, effective Oct. 15, 1977. For intervening history, please consult the **Code of State Regulations**. Amended: Filed Oct. 3, 2013.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Transportation, Pamela J. Harlan, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

**Title 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and Transportation
Commission
Chapter 6—Outdoor Advertising**

PROPOSED AMENDMENT

7 CSR 10-6.060 Nonconforming Signs. The Missouri Highways and Transportation Commission is amending sections (2) and (3).

PURPOSE: This amendment removes the measurement equation for cutouts and extensions on outdoor advertising; changes when a nonconforming sign becomes deteriorated or damaged; and removes the

option for the permittee to contact department staff prior to making changes to existing nonconforming signs.

(2) Categories of Nonconforming Signs. Unless these signs are unlawful signs under section 226.580, RSMo *[and 7 CSR 10-6.080(2)]*, the following nonconforming signs, subsections (2)(A)–(D) of this rule, may be maintained under the specified conditions **to promote highway safety**:

(D) Landmark Signs. Any signs lawfully erected on or before October 22, 1965, including signs on farm structures or natural surfaces regardless of their advertising message at the date of erection, which are determined by the commission with the approval of the **United States [secretary] Secretary of [transportation] Transportation** to have been of historical or artistic significance on August 13, 1976, but which under state statutes enacted after these signs were erected or because of changed conditions fail to meet the sizing, spacing, lighting, or location requirements of sections 226.500–226.600, RSMo, or 7 CSR 10-6.020 are nonconforming signs. Landmark signs may be located either within six hundred sixty feet (660') of the nearest edge of the right-of-way and visible from the main-traveled way of any highway which is a part of the interstate or primary system or beyond six hundred sixty feet (660') of the right-of-way, visible from the main-traveled way of the interstate or primary system and erected with the purpose of its message being read from the traveled way. These landmark signs may be maintained subject to the criteria for maintenance of nonconforming signs in section (3).

(3) Criteria for Maintenance of Nonconforming Signs. Reasonable maintenance and repair of nonconforming signs is permissible, however, violation of any one (1) or more of the following subsections (3)(A)–*[(E)]*(F) of this rule disqualifies any sign from being maintained as a nonconforming sign and subjects it to removal by the commission without the payment of just compensation:

(A) Message Content. Changes of advertising message content are permissible subject to the following:

1. Landmark signs. In order to continue to qualify as a landmark sign after August 13, 1976, the sign's advertising message shall not be substantially changed, except that a change in mileage, address, routing, course, or direction is permissible;

2. On-premises signs. Switching advertising from on-premises activities to off-premises activities does not constitute a changed condition so as to render the sign as *[nonconforming]* **nonconforming**. A sign that switches from advertising on-premises goods and services to off-premises goods and services must meet all requirements of the law in effect at the time the advertising is changed from on-premises to off-premises activities;

(C) Size. The size or area of a sign shall not be increased after the date the sign becomes a nonconforming sign. A net decrease in the face of the sign will be permitted.

1. Temporary cutouts and extensions will not be considered a substantial increase in size provided the cutout or extension meets the following criteria:

A. The cutout or extension area is thirty-three percent (33%) or less of the total display area for each side of the sign, prior to the cutout or extension addition. *[For the purpose of determining the percentage of a temporary cutout or extension, the area of the smallest square, rectangle, triangle, circle, or contiguous combination of shapes that will encompass the cutout or extension will be calculated and divided by the area of the smallest square, rectangle, triangle, circle or contiguous combination of shapes that will encompass the permanent display area of the outdoor advertising structure]* **The commission shall determine the method used in calculating the percentage of the temporary cutout or extension; and**

B. A cutout or extension may be added to either side of a structure for a period of time of no more than three (3) years for each side or the term of the display contract, whichever is the shortest.

After a side of an outdoor advertising structure has had a cutout or extension for that time period, a cutout or extension cannot be placed on that side of the structure for a period of six (6) months[;].

[C. Proof regarding the dates the cutouts or extensions were installed and will be removed shall be provided to Missouri Department of Transportation (MoDOT), upon request;]

(D) Relocation or Repair of Nonconforming Signs. Relocation of a nonconforming sign or repair of a deteriorated or damaged nonconforming sign is a new erection as of the date the relocation or repair is completed and these signs must then comply with the then effective sizing, lighting, spacing, location, and permit requirements of sections 226.500–226.600, RSMo. Relocation of a nonconforming sign or repair of a deteriorated or damaged nonconforming sign voids any permit issued by the commission for the sign and the fee shall be retained by the commission.

1. Repair of any deteriorated or damaged nonconforming sign after the date the sign becomes a nonconforming sign is prohibited. A deteriorated or damaged nonconforming sign is a sign upon which **more than fifty percent (50%) [or more]** of the **support pole(s) [or vertical support(s)]** have been damaged or replaced within a twelve- (12-)/- month period. **A deteriorated or damaged nonconforming sign shall be considered unlawful and any permit issued by the commission for the sign shall be voided and the fee shall be retained by the commission.** A nonconforming sign which has only a deteriorated or damaged face shall not constitute a deteriorated or damaged nonconforming sign but shall remain subject to section 226.580.1(4), RSMo. A nonconforming sign damaged by vandalism may be repaired without being in violation of this section. The sign owner has the burden to prove that the nonconforming sign was damaged by vandalism. Proof of vandalism can be timely reports or complaints to sheriff or proper police departments. Vandalism for purposes of this rule is the willful destruction of a nonconforming sign by a party other than the sign owner, property owner, or lessor of the sign or business which is advertised on the sign. Any damage to the nonconforming sign due to carelessness or negligence of any party shall not constitute vandalism.

A. For monopole signs *[less than]* **no more than fifty percent (50%)** of the single support pole may be repaired or replaced within a twelve- (12-)/- month period.

B. The fifty percent (50%) *[or more]* rule applies to the height of the **support pole(s) [or vertical support(s)]** above ground.

2. Any movement of a sign structure shall be considered a relocation;

(G) Notice to Terminate Nonconforming Signs. When a sign is maintained in violation of any one (1) or more of subsections (3)(A)–(F), the *[right-of-way director or designee]* **department's authorized representative** shall issue a notice to terminate nonconforming sign to the sign owner and the owner or occupant of the real property on which the sign is located. The notice to terminate the nonconforming sign shall identify the violation of the criteria for maintenance of the nonconforming sign and the available remedial action to correct the violation which may include removal of the sign. The notice to terminate the nonconforming sign shall also establish the length of time with a maximum time of sixty (60) days for remedial action or removal of the sign (if a remedial action other than removal of the sign is not available). The notice to terminate the nonconforming sign may designate a time of less than sixty (60) days for remedial action. Any time which is stated in a notice to terminate the nonconforming sign for taking remedial action shall not change the time period to request an administrative hearing. Any person given a notice to terminate the nonconforming sign by the department's *[right-of-way director or designee]* **authorized representative** shall be entitled to an administrative hearing pursuant to the provisions of sections 536.067–536.090, RSMo by filing a written request for hearing with the Secretary of the Missouri Highways and Transportation Commission, PO Box 270, Jefferson City, MO

65102. The request for hearing must be received by the commission secretary within thirty (30) days after receipt of the notice to terminate the nonconforming sign by the applicant. The request for hearing must be sufficient to identify the applicant requesting the hearing and each outdoor advertising structure for which a hearing is requested. The act of mailing the request for hearing does not constitute receipt by the commission secretary. No answer or other response by the commission is necessary. An applicant will not be entitled to a hearing if the applicant fails to request a hearing within thirty (30) days after receipt of the notice to terminate the nonconforming sign. Upon receipt of a request for hearing, the commission secretary shall forward the request to the hearing examiner for the commission and notify the *[outdoor advertising manager]* **department's authorized representative**. Hearings for notices to terminate the nonconforming sign shall be conducted pursuant to 7 CSR 10-6.090. The permit for any nonconforming *[signs]* **sign** as defined in 7 CSR 10-6.060 shall be surrendered upon removal of the sign; and/.

[(H) All permit holders should contact the outdoor advertising area permit specialist for the outdoor advertising area in which the permitted outdoor advertising structure is located in writing prior to making any changes to that structure. If they do not make this contact with the specialist before making such changes, the department shall not be liable for any loss due to the removal of and loss of the permit for the outdoor advertising structure.]

AUTHORITY: section 226.150 and sections 226.500–226.600, RSMo 2000 and Supp. [2007] 2013. Original rule filed May 16, 1977, effective Oct. 15, 1977. For intervening history, please consult the Code of State Regulations. Amended: Filed Oct. 3, 2013.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Transportation, Pamela J. Harlan, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and Transportation
Commission
Chapter 6—Outdoor Advertising**

PROPOSED AMENDMENT

7 CSR 10-6.070 Permits for Outdoor Advertising. The Missouri Highways and Transportation Commission is amending sections (1) through (8).

PURPOSE: This amendment adds conforming out of standard signs to the types of signs for which sign owners shall maintain permits issued by the Missouri Highways and Transportation Commission for outdoor advertising specified by sections 226.500 to 226.600, RSMo, and authorizes voiding of permits without compensation. This amendment also eliminates duplicative statutory requirements for biennial inspection fees already authorized by section 226.550, RSMo.

(1) Definitions (see **section 226.541, RSMo, and 7 CSR 10-6.015**).

(2) Outdoor Advertising Subject to Permit *[Requirement]* **Requirements.**

(A) *[Permits]* **Permit Required.** *[Sign owners]* **To promote highway safety, a sign owner or the [owners] owner of the land on which [these signs are] the sign is located, regardless of when the sign was erected, must obtain a [permits] permit from the commission for the following outdoor advertising erected or maintained within six hundred sixty feet (660') of the nearest edge of the right-of-way and visible from the main-traveled way of any highway which is a part of the interstate or primary system:**

1. Directional and other official signs. (see sections 226.550.1 and .2 and 226.520(1), RSMo and 7 CSR 10-6.020). Only one (1) permit will be issued for sign structures with multiple displays;

2. Signs located in areas zoned commercial and industrial **except on-premises signs** (see sections 226.550.1 and .2, RSMo, and 7 CSR 10-6.040(2)(A));

3. Signs located in unzoned commercial or industrial areas except on-premises signs (see sections 226.520(4), 226.540(4) and 226.550.1 and .2, RSMo, and 7 CSR 10-6.040(2)(B)). Only one (1) permit will be issued for multiple sign structures as back-to-back signs, double-faced signs, and V-type signs; *[and]*

4. Conforming out of standard signs wherever located except on-premises signs (see sections 226.541, RSMo, and 7 CSR 10-6.040); and

[4.]5. Nonconforming signs wherever located except on-premises signs (see sections 226.550.1 and .2, RSMo, and 7 CSR 10-6.060).

[(C) Size. Size limitations and requirements are listed in section 226.540, RSMo. An addition of a temporary cut-out or extension up to thirty-three percent (33%) of the sign size will be allowed. A copy of the display contract or a letter outlining the beginning and ending dates of the display shall be furnished before the cut-out or extension is added.]

(3) Outdoor Advertising Not Eligible for Permits. Unlawful signs are not eligible for permits from the commission. *[Applications and fees for permits from the sign owners or the owners of the land on which these signs are located shall be rejected and returned with any fee submitted to the applicant by the right-of-way director or designee.]*

(4) Permit Applications and Fees.

[(A) Information. Any person may obtain permit application information, including copies of sections 226.500–226.600, RSMo, 7 CSR 10-6.010–7 CSR 10-6.100, application forms, maps of the interstate and primary highway systems, and area maps showing the location of area offices and the counties within each area, in person, or by writing or telephoning the right-of-way director or designee at any area office. It is most efficient to contact the area permit specialist for the county in which the outdoor advertising is located (see 7 CSR 10-6.010 for a list of the counties and how to obtain information and materials).]

[(B)](A) Filing of Permit Applications and Permit Fees. Sign owners or owners of the land on which outdoor advertising is located must apply for permits from the commission for outdoor advertising specified by section 226.550, RSMo, (see 7 CSR 10-6.070(2)). Permit applications must be:

1. Timely submitted. For new outdoor advertising to be erected, the application for permit and the permit application fee of two hundred dollars (\$200) shall be submitted before erecting or starting construction of any sign requiring a permit from the commission. *[The area permit specialist will perform a field inspection of the proposed location to determine whether or not the site complies with the requirements of sections 226.500–226.600, RSMo.]* For all nonconforming outdoor advertising requiring a permit from the commission and for any other existing outdoor advertising lawfully erected, but for failure to obtain a permit prior to its

erection from the commission, the application for permit must be submitted to and received by the *[right-of-way director or designee]* department's authorized representative within thirty (30) days of receipt by the applicant of a notice to remove outdoor advertising under section 226.580, RSMo, from the commission specifying the failure to obtain or maintain a permit for a sign for which a permit and biennial inspection is required by section 226.550, RSMo. Failure of the applicant to timely submit an application for permit shall be cause for the *[right-of-way director or designee]* department's authorized representative to reject and return the application for permit;

[2. Submitted to the right-of-way director or designee for the county in which the outdoor advertising is located (see 7 CSR 10-6.010), along with the required permit application fee;

3. Submitted upon forms supplied by the department. These forms will be supplied by the right-of-way director or designee upon request. The applicant shall provide a completed application with a copy of a lease or a letter from the property owner granting permission to erect or maintain a sign on his/her property; a sketch of the proposed location and, if zoned, a letter outlining the zoning classification from the zoning authority; and copies of all local business licenses for the qualifying business. Incomplete or incorrectly completed permit application forms shall be rejected and returned by the right-of-way director or designee to the applicant; and

[4.]2. *[Biennial inspection fees due after August 28, 2002, and prior to August 28, 2003, shall be fifty dollars (\$50). Biennial inspection fees due on or after August 28, 2003, and prior to August 28, 2004, shall be seventy-five dollars (\$75).]* **Biennial inspection fees.** Biennial inspection fees *[due on or after August 28, 2004, shall be one hundred dollars (\$100).]* are due in accordance with section 226.550.4, RSMo. Religious organizations, service organizations, veteran organizations, and fraternal organizations, as defined in section 313.005, RSMo, upon submission of a copy of their certification of Internal Revenue Service tax exempt status, may be granted a fee exempt permit provided the display area of the sign is less than seventy-six (76) square feet.

[A.]3. Payment Failure. Failure to submit the correct amount of fee by check, draft, or money order payable to "Director of Revenue—Credit State Road Fund" shall be cause for the *[right-of-way director or designee]* department's authorized representative to reject and return the application for permit. *[If assistance is needed in calculating the correct permit fee, contact the right-of-way director or designee for the county in which the sign is located before filing the application (see 7 CSR 10-6.010).]*

[B.]4. Documentation and assistance required upon request. Any applicant must submit to the *[right-of-way director or designee]* department's authorized representative upon written request, written information or documentation, as specified in the request, sufficient for the *[right-of-way director or designee]* department's authorized representative to determine whether or not a permit should be issued under section 226.550, RSMo. Also, any applicant may be asked to assist the *[right-of-way director or designee]* department's authorized representative in locating the sign location described in an application for permit. Refusal by or failure of an applicant to comply with a request for information, documentation, or assistance shall be grounds for the *[right-of-way director or designee]* department's authorized representative to reject and return the application for permit.

[C.]5. Misrepresentation of fact. Any misrepresentation of material fact by an applicant on any application for permit shall be grounds for the *[right-of-way director or designee]* department's authorized representative to reject and return the application for permit.

[D.]6. All fees must be paid. No permit shall be granted to any applicant who is delinquent in the payment of any outdoor advertising fees to the commission, including any removal costs or biennial inspection fees associated with any sign.

(5) Informal Hearing on Denial of Permit.

(A) Request for Informal Hearing. If denied a permit, the applicant *[may]* **shall** have twenty (20) working days to request an informal hearing *[by the Outdoor Advertising Permit Review Committee]* for the purpose of appealing the denial. The applicant shall submit its request for an informal hearing to the Outdoor Advertising Manager, Missouri Department of Transportation, PO Box 270, Jefferson City, MO 65102.

(B) Procedure. If the applicant requests an informal hearing, the *[outdoor advertising manager]* **department's authorized representative** shall advise the applicant of the time, date, and place. This is not a contested case under Chapter 536, RSMo. The rules of evidence shall not apply at the hearing.

(6) Permits.

(A) Issuance of the Permit. Upon proper application and payment of fee for any sign eligible for a permit, the *[outdoor advertising permit specialist]* **department's authorized representative** shall issue a permit. The permit owner must erect the sign, if not already in existence within two (2) years of the date the permit was issued by the commission and the erected outdoor advertising structure must comply with all current sections of 226.500 through 226.600, RSMo, and 7 CSR 10-6.010 through 7 CSR 10-6.100. This permit is for the erection of a *[legal]* **lawful** conforming outdoor advertising structure.

(B) Transfer of Permit. When a sign owner transfers ownership of a sign for which a permit is required by section 226.550, RSMo, the new sign owner shall notify the commission by filing an application for transfer, along with a ten dollar (\$10) fee on a form supplied by the *[outdoor advertising permit specialist]* **department's authorized representative**. Applications must be completed in full. Incomplete or incorrectly completed application forms may be rejected or returned by the *[outdoor advertising permit specialist]* **department's authorized representative** to the applicant.

(C) Voiding of Permits Without Compensation. Permits may be voided without compensation to be paid to the permit holder under the following conditions:

1. When there has been any misrepresentation of a material fact by the applicant on a permit application and the sign is removed under section 226.580, RSMo;

2. The permit for any unbuilt structure shall be voided if the sign, complete with message, is not in existence within two (2) years of the date the permit was issued by the commission;

3. When the commission determines that a change has been made to a conforming sign by the sign owner and the sign has been removed under section 226.580, RSMo, **or that a conforming out of standard sign has been substantially rebuilt under section 226.541, RSMo; or**

4. When the commission determines that a substantial change has been made to a nonconforming sign by the sign owner such that the sign's nonconforming status was terminated and the sign was removed under the commission's administrative rules for maintenance of nonconforming signs.

(7) Biennial Inspection Fee. A biennial inspection fee shall be collected every two (2) years as set forth in section *[226.540]* **226.550**, RSMo. The biennial inspection fee must be received by the due date on the statement issued from the Missouri Department of Transportation and will be considered delinquent if not paid within sixty (60) days after the due date on the statement. Fees received from any sign owner that owes delinquent fees to the department will be credited to the past due accounts before applying the remainder,

if any, toward issuance of a new permit for: outdoor advertising, vegetation cutting and trimming, or transfer of ownership of an outdoor advertising permit.

(8) Relocation. Relocation of any sign for any reason whatsoever is a new erection as of the date the relocation is completed and these signs must then comply with the then effective sizing, lighting, spacing, location, and permit requirements of sections 226.500–226.600, RSMo. Relocation of any sign voids any permit issued by the commission for that sign and the fee shall be retained by the commission. The *[right-of-way director or designee]* **department's authorized representative** shall issue a notice to remove outdoor advertising under section 226.580, RSMo. A new application for permit must be filed with the *[right-of-way director or designee]* **department's authorized representative** and the sign can only be relocated in compliance with the sizing, lighting, spacing, and location requirements of sections 226.500–226.600, RSMo.

AUTHORITY: sections 226.150 and 226.530, RSMo 2000. Original rule filed May 16, 1977, effective Oct. 15, 1977. For intervening history, please consult the Code of State Regulations. Amended: Filed Oct. 3, 2013.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Transportation, Pamela J. Harlan, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and Transportation
Commission
Chapter 6—Outdoor Advertising**

PROPOSED AMENDMENT

7 CSR 10-6.080 Removal of Outdoor Advertising Without Compensation. The Missouri Highways and Transportation Commission is amending sections (2), (3), (4), and (6).

PURPOSE: This amendment adds the process for the removal of conforming out of standard signs; and eliminates duplicative statutory requirements related to the removal of unlawful outdoor advertising already authorized by section 226.580, RSMo.

(2) Removal of Unlawful Signs. The *[right-of-way director or designee]* **department's authorized representative** shall serve a notice to remove outdoor advertising under section 226.580~~/.3.]~~, RSMo, *[for the following signs which are unlawful because they have been determined by the outdoor advertising manager to be:]* **and for conforming out of standard signs that have been substantially rebuilt pursuant to section 226.541, RSMo and 7 CSR 10-6.040(5).**

[(A) Signs erected after March 30, 1972, contrary to the provisions of sections 226.500–226.600, RSMo, that is all signs erected, relocated or reconstructed after March 30, 1972, in violation of the then effective sizing, lighting, spacing and location requirements of sections 226.500–226.600,

RSMo. Relocation of any sign or repair of any deteriorated or damaged nonconforming sign for any reason, is a new erection as of the date the relocation or reconstruction is completed and these signs must then comply with the then effective sizing, lighting, spacing, location and permit requirements of sections 226.500–226.600, RSMo or they shall then be subject to removal without compensation by the commission under section 226.580.1(1), RSMo;

(B) Signs for which a permit is not obtained as prescribed in sections 226.500–226.600, RSMo (see 7 CSR 10-6.070);

(C) Signs for which biennial inspection fees are past due for a period of twelve (12) months or more (see section 226.580.1(2), RSMo);

(D) Signs which are obsolete, that is signs that for a continuous period of one (1) year or longer have advertised services or products no longer available to the traveling public because the services or products have been discontinued or cannot be obtained at the destination or by the directions indicated on the signs. A legal conforming sign shall not be considered obsolete solely because it does not carry an advertising message for a period of less than one (1) year;

(E) Signs that are not in good repair, that is signs with poles, frames, braces, panels or facings which are broken or damaged or not securely affixed to a substantial structure or which are faded, blistered, cracked, peeled, chipped, or torn to the extent the total message is not discernable by a motorist of normal visual acuity traveling at the maximum speed limit posted on the main traveled way of the adjacent interstate or primary highway. A motorist of normal visual acuity means any person licensed by Missouri to operate a motor vehicle upon the highways of this state;

(F) Signs which attempt or appear to attempt to regulate, warn or direct the movement of traffic or which interfere with, imitate or resemble any official traffic sign, signal or device. These signs include, but are not limited to, signs which display flashing amber or red lights, stop signs or yield signs or highway designation markers, such as an interstate shield;

(G) Signs which are erected or maintained upon trees or painted or drawn upon rocks or other natural features, except landmark signs under section 226.545, RSMo;

(H) Signs erected after August 13, 1976, beyond six hundred and sixty feet (660') of the right-of-way outside of urban areas, visible from the main-traveled way of the interstate or primary system and erected with the purpose of their message being read from the traveled way, except directional and official signs under section 226.520(1), RSMo and on-premises signs under section 226.520(2), RSMo; and

(I) Signs erected before March 30, 1972 but on or after January 1, 1968 contrary to sections 226.500–226.600, RSMo.]

(3) Removal of Nonconforming Signs. The *[right-of-way director or designee] department's authorized representative* shall issue a notice to terminate a nonconforming sign pursuant to 7 CSR 10-6.060(3)(G).

(4) Authority to Withdraw Notices. The *[chief engineer] department's authorized representative* is authorized to withdraw any notice to remove outdoor advertising issued by the *[right-of-way director or designee] department* under section 226.580, RSMo, or any notice to terminate a nonconforming sign issued by the *[right-of-way director or designee] department* under 7 CSR 10-6.060(3)(G) for any one (1) of the following reasons: where the notice to remove was improperly issued by the *[right-of-way director or designee] department* because of a mistake of law or fact,

where the sign has been removed or the basis of unlawfulness has been corrected or has ceased to exist, or where it is finally adjudicated that the notice to remove was not authorized by sections 226.500–226.600, RSMo. If a timely request for administrative review of notice to remove outdoor advertising or a notice to terminate nonconforming sign has been made, the *[right-of-way director or designee] department's authorized representative* shall advise the hearing examiner of any withdrawal of a notice to remove outdoor advertising or a notice to terminate nonconforming sign.

(6) Remedial Action. Any notice to remove outdoor advertising which is issued by the *[right-of-way director or designee] department's authorized representative* shall specify any available remedial action to correct the violation. The notice to remove outdoor advertising shall also establish the length of time which is available to take the remedial action. Any length of time specified for taking remedial action shall not lengthen the time available for requesting an administrative hearing. The remedial action which is specified in the notice to remove outdoor advertising may include the removal of the violating sign.

AUTHORITY: section[s] 226.150 and sections 226.500–226.600, RSMo 2000 and Supp. [2002] 2013. Original rule filed May 16, 1977, effective Oct. 15, 1977. For intervening history, please consult the Code of State Regulations. Amended: Filed Oct. 3, 2013.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Transportation, Pamela J. Harlan, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 7—DEPARTMENT OF TRANSPORTATION Division 10—Missouri Highways and Transportation Commission Chapter 6—Outdoor Advertising

PROPOSED AMENDMENT

7 CSR 10-6.085 Cutting and Trimming of Vegetation on Right-of-Way. The Missouri Highways and Transportation Commission is amending sections (1), (2), (3), and (4).

PURPOSE: This amendment modifies the vegetation process and adds an informal hearing process relating to the denial of permits to cut or trim vegetation.

(1) Permits. *[A] To promote highway safety, a permit issued by the department's authorized representative* is required to cut or trim any vegetation in front of any lawful sign. *[A separate permit is required for each sign structure.]* Permits to cut vegetation will be issued only for lawful signs which are at least five (5) years old. Permits to trim trees will be issued only after a lawful sign is at least two (2) years old. A vegetation permit may be denied or limited if the plan is deemed to be detrimental to the stability of the state right-of-way as determined by the *[roadside enhancement manager] department's authorized representative*.

[(A) Application. A permit application to do cutting and trimming shall be obtained from the area office (see 7 CSR 10-6.010). Applicants shall serve a copy of their permit application upon adjacent property owners and shall provide proof of service at the time the application is filed in the area office. Proof of service may be a copy of a certified return mail receipt. Objections by adjacent property owners may serve to limit the scope of the permit as prescribed in subsection (1)(C) of this rule.]

[(B)](A) Fee. The cost of a permit for trimming and cutting is determined [by] on the basis of the vegetation to be removed. All diameter measurements contained in this rule shall be measured at four and one-half feet (4 1/2') above ground level. There is no fee to trim trees [in accordance with subsection (3)(F) of this rule] or remove brush and trees with a diameter of less than six inches (6"), but a permit will still be required. The fee to remove each tree with a diameter equal to or greater than six inches (6") is one hundred dollars (\$100) plus an additional one hundred dollars (\$100) for every inch of diameter greater than six inches (6"). [Measurements for diameter will be rounded down to the nearest inch. For example, the fee for trimming or removing a tree six and three-fourths inches (6 3/4") in diameter would be one hundred dollars (\$100); the fee for a tree ten and one-half inches (10 1/2") in diameter would be five hundred dollars (\$500).] A performance bond in an amount up to one thousand dollars (\$1,000) shall be required to ensure restoration of highway right-of-way. [Fees will be placed in a roadside enhancement fund and utilized by the department to plant trees and do other landscaping on highway right-of-way. A cash bond equal to the amount of vegetation to be removed must be filed with the department prior to any work on the right-of-way.] All fees must be paid prior to the commencement of any tree trimming.

[(C)](B) Scope. Permits will only allow the cutting of vegetation necessary to clear the sign's visibility zone as determined by the [permit inspector] department's authorized representative and the applicant at the time the permit is issued. This visibility zone is an area on the right-of-way four hundred fifty feet (450') on interstate and freeway and nonfreeway primary highways. The length is from the edge of the sign face closest to the highway pavement in a direction parallel to the pavement.

[(D)](C) Duration. All permits shall expire after one hundred twenty (120) days.

(2) Access. *[Access] To promote highway safety, access to the cutting or trimming area shall be from private property or outer roadways and cannot be made from the through traffic roadway of any highway maintained by the department without written permission from the department. Parking of equipment or placement of materials on the traffic lanes or shoulders is strictly prohibited.*

(3) Conditions. *[The] To promote highway safety, the following conditions shall apply to trimming and cutting of vegetation on highway right-of-way:*

[(C) Liability Insurance. The applicant shall carry liability insurance with a limit of at least one (1) million dollars per occurrence;]

[(D)](C) Herbicides. Only herbicides approved by the [district roadside enhancement manager] department's authorized representative may be used to trim or remove vegetation. [Only general use nonrestricted herbicides may be used. All herbicides must be used in strict accord with the manufacturer's instructions on the label. Restricted use herbicides may not be used on right-of-way. The applicator must be a certified commercial applicator or under the supervision of a certified commercial applicator. The district roadside enhancement manager or their authorized representative will approve the area to be sprayed before a permit is issued. The applicant must avoid desirable vegetation. Holder of the permit is liable for all damages or damage claims resulting from the herbi-

cide application.] The applicant must comply with the Missouri Pesticide Use Act, sections 281.005 through 281.115, RSMo. [In U.S. Forest Service areas, permit applicants must obtain written permission for use of herbicides from the district roadside enhancement manager. The fee for controlling the growth of a tree, with herbicides, is determined in the same manner as tree removal under subsection (1)(B). All trees controlled with herbicides, requiring a fee, shall be cut down and removed within sixty (60) days of treatment;]

(E) Indemnity. Applicants shall agree to indemnify and hold harmless the commission against any damage or harm to persons, including commission employees, or property which may occur as a result of or in the course of its cutting or trimming of vegetation and use of herbicides;

(F) Trimming of Trees. Trees of any size may be trimmed in accordance with the following guidelines:

- 1. Trimming is permitted any time of year;*
- 2. A tree may not have more than one-third (1/3) of its canopy removed in a single pruning operation. For pruning operations, the "National Arborist Association Standards" shall be used as a guideline to insure trees are being pruned properly and all pruning must be done in accordance with "National Arborist Association Standards." Pruning cuts should be made so that the tree may close the resulting wound as easily as possible. Generally, remove parts of a twig or branch at their origin. Remove tips of branches back to a good bud or to the next larger branch. The final pruning cut should be made along the natural branch collar and not flush with the trunk. Any additional pruning of this magnitude cannot be repeated for three (3) full years (thirty-six (36) months) on hardwood species. A "Tree Pruning Chart" developed by MoDOT is used to determine the maximum amount of canopy that can be removed in a single pruning operation. A copy of the chart may be obtained by contacting the area permit specialist; and*

- 3. In situations where pruning is to be done on a stand of trees and it is not practical to distinguish individual trees from the stand, the stand of trees should be judged by the canopy height of the stand. The amount of tree height to be removed should be determined from the "Tree Pruning Chart" according to the canopy height of the stand of trees. Proper tree pruning practices are to be observed in reducing the height of the stand of trees, just as it would be for an individual tree. Brush over six feet (6') that is approved for removal should be cut first and the stump(s) treated with herbicides. Illustrations are available to assist in proper pruning. A copy may be obtained by contacting the area permit specialist; and]*

[(G)](D) Destruction of Vegetation. A vegetation permit will be revoked if an applicant destroys desired vegetation due to excessive cutting, trimming, or inappropriate use of herbicides on vegetation. If the permit is revoked due to excessive cutting, trimming, or inappropriate use of herbicides, the department will retain and collect against any bonds filed.

(4) **Informal Hearing on [Appeal for] Denial of Permit to Cut or Trim.**

(A) Request for Informal Hearing. If denied a permit to cut or trim [vegetation] vegetation, the applicant [has] shall have twenty (20) working days to [submit a written appeal] request an informal hearing for the purpose of appealing the denial. The applicant shall submit its request for an informal hearing to the [Right-of-Way Director] Outdoor Advertising Manager, Missouri Department of Transportation, PO Box 270, Jefferson City, MO 65102.

(B) Procedure. If the applicant requests an informal hearing, the department's authorized representative shall advise the applicant of the time, date, and place. This is not a contested case under Chapter 536, RSMo. The rules of evidence shall not apply

at the hearing.

AUTHORITY: *section[s] 226.150 and sections 226.500–226.600, RSMo 2000 and Supp. [2002] 2013. Original rule filed June 15, 1993, effective Jan. 31, 1994. Amended: Filed Aug. 31, 1999, effective March 30, 2000. Amended: Filed April 15, 2003, effective Nov. 30, 2003. Amended: Filed Oct. 3, 2013.*

PUBLIC COST: *This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

PRIVATE COST: *This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Transportation, Pamela J. Harlan, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and Transportation
Commission
Chapter 6—Outdoor Advertising**

PROPOSED AMENDMENT

7 CSR 10-6.090 Administrative Review of Notices to Remove Outdoor Advertising and to Terminate Nonconforming Signs. The Missouri Highways and Transportation Commission is amending sections (1), (4), (9), and (12).

PURPOSE: *This amendment clarifies the hearing procedure for administrative review of department notices to remove outdoor advertising under section 226.580, RSMo.*

(1) Request for Administrative Review. Any person given a notice to remove outdoor advertising under section 226.580, RSMo, [and 7 CSR 10-6.080(2)] by the [right-of-way director or designee] department's authorized representative shall be entitled to an administrative hearing under Chapter 536, RSMo, by filing a written request for hearing with the Secretary of the Missouri Highways and Transportation Commission, PO Box 270, Jefferson City, MO 65102. This request for hearing must be received by the commission secretary within thirty (30) days after receipt of the notice to remove outdoor advertising by the applicant. The request for hearing must be sufficient to identify the person(s) requesting the hearing and the outdoor advertising structure for which the hearing is requested. No answer or other response by the commission is necessary. Upon receipt of the request for hearing, the commission secretary shall forward the request to the hearing examiner for the commission.

(4) Notice of Hearing. The hearing examiner shall give written notice of hearing to the applicant and [right-of-way director or designee] department's authorized representative fixing a time and place for a hearing, at which time the applicant and [right-of-way director or designee] department's authorized representative may appear and present evidence. The hearing examiner shall issue this notice not less than fifteen (15) days prior to the date fixed for hearing. In instances where more than one (1) request for hearing is received from the same person, the hearing examiner may consolidate those hearings in the interest of economy.

(9) Evidence, Argument, and Briefs. The sole issue in a hearing is whether or not a particular sign is an unlawful sign under section 226.580, RSMo [and 7 CSR 10-6.080(2)] or is being maintained in violation of the rules for maintenance of nonconforming signs under 7 CSR 10-6.060. The [commission] department shall present its evidence first at the hearing in support of its notice to remove outdoor advertising or notice to terminate nonconforming sign which must specify the reason the [commission] department deems the outdoor advertising to be unlawful. After the [commission] department presents its evidence, the applicant may present evidence. Any party shall have the right of cross-examination. Oral or written evidence must be received in the record to be considered by the commission in reaching its final decision. Any party shall be entitled to present oral argument at the hearing. If oral argument is presented, it shall be preserved and transcribed in the record for the use of the commission in reaching a final decision. Any party may file a written brief or the hearing examiner may require written briefs to be filed within the time set by the hearing examiner for the use of the commission in reaching a final decision. The hearing examiner may rule on all objections and motions to facilitate submission of the case to the commission for its final decision.

(12) Final Decision. [As soon as practical after receipt of the suggested report and order, the] The members of the commission shall [read the full record and] render a final decision. If briefs or oral arguments are submitted, the members of the commission, in lieu of reading the entire record, may consider those portions of the record cited or referred to in the arguments or briefs to arrive at a final decision. The commission shall render its final decision in writing which shall be supported by competent and substantial evidence upon the whole record and which shall be subject to judicial review under section 536.100, RSMo.

AUTHORITY: *section[s] 226.150 and sections 226.500–226.600, RSMo 2000 and Supp. [2002] 2013. Original rule filed May 16, 1977, effective Oct. 15, 1977. Amended: Filed Jan. 16, 1990, effective June 11, 1990. Amended: Filed June 15, 1993, effective Jan. 31, 1994. Amended: Filed April 15, 2003, effective Nov. 30, 2003. Amended: Filed Oct. 3, 2013.*

PUBLIC COST: *This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

PRIVATE COST: *This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Transportation, Pamela J. Harlan, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 8—DEPARTMENT OF LABOR AND
INDUSTRIAL RELATIONS
Division 10—Division of Employment Security
Chapter 3—Unemployment Insurance**

PROPOSED AMENDMENT

8 CSR 10-3.085 Charging of Benefits to Reimbursable Employers. The division is amending section (1).

PURPOSE: *This amendment amends the rule informing reimbursable employers of their responsibility for unemployment benefits paid to*

their employees to include unemployment benefits paid to employees discharged for a reason set forth in subsection 13 of section 660.315, RSMo, and employees placed on a disqualification registry maintained by the Department of Mental Health.

(1) Any employer that elects to make payments in lieu of unemployment contributions shall be liable for all unemployment benefits based on wages paid by the employer for services in employment. A reimbursable employer shall not have charges relieved pursuant to section 288.100, RSMo. A reimbursable employer shall, therefore, not be relieved of charges under any of the following circumstances:

(D) The claimant worked less than twenty eight (28) days or earned less than four hundred dollars (\$400) gross wages from the employer; *[or]*

(E) The claimant was *[placed on a disqualification list maintained by the Department of Health and Senior Services.] discharged by the employer for a reason set forth in subsection 13 of section 660.315, RSMo; or*

(F) *The claimant was placed on a disqualification registry maintained by the Department of Mental Health.*

AUTHORITY: section 288.220, RSMo 2000. Original rule filed Sept. 2, 2003, effective Feb. 29, 2004. Amended: Filed Oct. 4, 2013.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Division of Employment Security; Attn: Ken Jacob, Director, PO Box 59, Jefferson City, MO 65104-0059. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 5—Air Quality Standards and Air Pollution
Control Rules Specific to the St. Louis Metropolitan
Area

PROPOSED RESCISSION

10 CSR 10-5.240 Additional Air Quality Control Measures May be Required When Sources Are Clustered in a Small Land Area. This rule rescission is an administrative cleanup of an outdated state air rule that is no longer necessary given that section 643.050, RSMo, provides the commission authority to promulgate regulations necessary to enforce the provisions of the Clean Air Act. If the commission adopts this rule action, it will be the department's intention to submit this rule rescission to the U.S. Environmental Protection Agency for removal from the Missouri State Implementation Plan. The evidence supporting the need for this proposed rulemaking is available for viewing at the Missouri Department of Natural Resources' Air Pollution Control Program at the address listed in the Notice of Public Hearing at the end of this rule. More information concerning this rulemaking can be found at the Missouri Department of Natural Resources' Environmental Regulatory Agenda website, www.dnr.mo.gov/regs/index.html.

PURPOSE: This rule provided that more restrictive air quality control requirements may be prescribed for areas in which the sum of particulate and/or sulfur dioxide emissions from existing and proposed sources exceed specified limits. This rule rescission is an

administrative cleanup of an outdated state air rule that is no longer necessary given that section 643.050, RSMo provides the commission authority to promulgate regulations necessary to enforce the provisions of the Clean Air Act. The evidence supporting the need for this proposed rulemaking, per 536.016, RSMo, is the public hearing testimony for this rulemaking.

AUTHORITY: section 643.050, RSMo 1994. Original rule filed March 14, 1967, effective March 24, 1967. Rescinded: Filed Oct. 9, 2013.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing on this proposed rescission will begin at 9:00 a.m., January 30, 2014. The public hearing will be held at the Elm Street Conference Center, 1730 East Elm Street, Lower Level, Bennett Springs Conference Room, Jefferson City, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Interested persons, whether or not heard, may submit a written or email statement of their views until 5:00 p.m., February 6, 2014. Written comments shall be sent to Chief, Air Quality Planning Section, Missouri Department of Natural Resources' Air Pollution Control Program, PO Box 176, Jefferson City, MO 65102-0176. Email comments shall be sent to apcprulespn@dnr.mo.gov.

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—MO HealthNet Division
Chapter 3—Conditions of Provider Participation,
Reimbursement and Procedure of General
Applicability

PROPOSED AMENDMENT

13 CSR 70-3.200 Ambulance Service Reimbursement Allowance. The division is amending sections (1) and (2).

PURPOSE: This amendment provides updates to Ambulance Service Reimbursement Allowance rules regarding gross receipts. This amendment is the result of CMS approval of the Ambulance Service Reimbursement Allowance.

(1) Ambulance Service Reimbursement Allowance shall be assessed as described in this section.

(B) Beginning *[July 1, 2009]* **October 1, 2013**, each ground emergency ambulance services provider in this state, except for any ambulance service owned and operated by an entity owned and operated by the state of Missouri, including but not limited to any hospital owned or operated by the board of curators, as defined in Chapter 172, RSMo, or any department of the state, shall, in addition to all other fees and taxes now required or paid, pay an ambulance service reimbursement allowance for the privilege of engaging in the business of providing ambulance services as defined in section 190.100, RSMo. Gross receipts shall be obtained by the division from a survey conducted six (6) months after calendar year end (i.e., calendar year *[2009 revenue]* **2012 gross receipts** will be obtained through survey sent out by the state in *[June 2010]* **2013**). *[Collection of the ambulance service reimbursement allowance shall begin in state fiscal years 2010 and 2011 based on gross receipts collected in calendar year 2008. Collection of the ambulance service reimbursement allowance beginning with state fiscal year (SFY) 2012 and*

thereafter shall be based on gross receipts collected in a third prior calendar year (i.e., state fiscal year 2012 shall be based on gross receipts collected in calendar year 2009).] **Collection of the ambulance service reimbursement allowance beginning October 1, 2013, and thereafter each October 1, shall be based on gross receipts collected in the prior calendar year. (i.e. October 1, 2013 shall be based on gross receipts collected in calendar year 2012).**

1. The ambulance service reimbursement allowance owed for currently licensed emergency ambulance providers as defined in section 190.100, RSMo, shall be calculated by multiplying the ambulance service reimbursement allowance tax rate by the gross receipts, as defined above in paragraph (1)(A)5.

A. Exceptions.

(I) For emergency ambulance providers without reported survey data, the gross receipts used to determine the ambulance service reimbursement allowance shall be estimated as follows:

(a) Emergency ambulance providers shall be divided into quartiles based on total emergency ambulance transports;

(b) Gross receipts shall be individually summed and divided by the total emergency ambulance transports in the quartile to yield an average gross receipt per emergency ambulance transport; and

(c) The number of emergency ambulance transports as reported to the Department of Health and Senior Services (Bureau of Emergency Medical Services (BEMS) data) as required by 19 CSR 30-40.375(3) for the emergency ambulance provider without reported survey data shall be multiplied by the average gross receipts per emergency ambulance transport.

(2) Ambulance Service Reimbursement Allowance Rate *[for SFY 2010 and SFY 2011]* **beginning October 1, 2013.** The ambulance service reimbursement allowance rate *[for SFY 2010 and SFY 2011]* **beginning October 1, 2013** determined by the division, as set forth in subsection (1)(B) above, is as follows:

(A) The ambulance service reimbursement allowance rate shall be *[four and four hundred seventeen thousandths percent (4.417%)]* **three and seventy-four hundredths percent (3.74%)** of gross receipts as determined in paragraph (1)(A)5. above with an aggregate annual adjustment, by the MO HealthNet Division, not to exceed five-tenths percent (0.5%) based on the ambulance services total gross receipts. No ambulance service reimbursement allowance shall be collected by the Department of Social Services if the federal Centers for Medicare and Medicaid Services (CMS) determines that such reimbursement allowance is not authorized under Title XIX of the Social Security Act.

AUTHORITY: sections 190.836 and 208.201, RSMo Supp. [2009] 2013. Original rule filed March 19, 2010, effective Nov. 30, 2010. Amended: Filed Oct. 10, 2013.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: The estimated cost to ambulance providers is eight million one hundred thousand (8.1 million) dollars in SFY 2014 and annually for the life of the rule.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Social Services, MO HealthNet Division, 615 Howerton Court, Jefferson City, MO 65109. To be considered, comments must be delivered by regular mail, express or overnight mail, in person, or by courier within thirty (30) days after publication of this notice in the Missouri Register. If to be hand-delivered, comments must be brought to the MO HealthNet Division at

615 Howerton Court, Jefferson City, Missouri. No public hearing is scheduled.

**FISCAL NOTE
PRIVATE COST**

- I. Department Title:** Department of Social Services
Division Title: MO HealthNet Division
Chapter Title: Conditions of Provider Participation, Reimbursement and Procedure of General Applicability

Rule Number and Title:	13 CSR 70-3.200 Ambulance Service Reimbursement Allowance
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
214	Emergency Ambulance Providers	Estimated cost for SFY 2014 \$ 8,141,660 (3 months \$2,033,808 and 9 months \$6,107,852)

III. WORKSHEET

The fiscal note is based on establishing the Ambulance Service Reimbursement Allowance assessment rate at 3.74% effective for October 1, 2013 to September 30, 2014. The assessment rate is applied to provider gross receipts from calendar year 2012.

Description	2012 Gross Receipts	Assessment Rate	Total Impact
Emergency Ambulance Providers	\$217,748,691	3.74%	\$8,143,802

IV. ASSUMPTIONS

The Ambulance Service Reimbursement Allowance assessment rate of 3.74% is levied upon Emergency Ambulance Providers' gross receipts of \$217,748,691 for the period October 1, 2013 to September 30, 2014.

Gross receipts is emergency ambulance revenue from Medicare, Medicaid, insurance, and private payments from CPT Code A0427/A0425 Ambulance service, advanced life support, emergency transport, level 1 (ALS1- emergency) and associated ground mileage; CPT code A0429/A0425 Ambulance services, basic life support, emergency transport (BLS – emergency) and associated ground mileage; and CPT Code A0433/A0425 Advanced life support, Level 2 (ALS2) and associated ground mileage.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—MO HealthNet Division
Chapter 25—Physician Program**

PROPOSED RULE

13 CSR 70-25.120 MO HealthNet (Medicaid) Payment for Certain Services Furnished by Certain Physicians in Calendar Years 2013 and 2014

PURPOSE: This rule sets forth the criteria to be used by the MO HealthNet Division in establishing certain payment rate increases for certain primary care services provided in calendar years 2013 and 2014. Federal law requires certain payment rates by state Medicaid agencies of the Medicare Part B rates in effect in calendar years (CY) 2013 and 2014 or, if higher, the rate that would be applicable using the CY 2009 Medicare conversion factor (CF), for certain primary care services furnished by a physician with the specialty designation of family medicine, general internal medicine, or pediatric medicine. The proposed rule is to encourage physicians to participate in MO HealthNet (Medicaid), and thereby promote access to primary care services for current and new MO HealthNet participants.

(1) Definitions. Primary care services are defined as procedure codes for services in the category designated primary care Evaluation and Management (E/M) codes 99201-99499 or their successor codes in the Healthcare Common Procedure Coding System (HCPCS) and services related to immunization administration for vaccines and toxoids for which Current Procedural Terminology (CPT) codes 90465, 90466, 90467, 90468, 90471, 90472, 90473, 90474, or their successor codes apply under such system.

(2) Condition of Eligibility to Receive Payment Rate Increase. Physicians with certain specialty and sub-specialty designations (family medicine, general internal medicine, or pediatric medicine) are eligible to receive increases in payment rates when delivering primary care services as defined in section (1).

(A) Sub-specialists within the specialty designations of family medicine, general internal medicine, and pediatric medicine as recognized by the American Board of Medical Specialties, the American Board of Physician Specialties, the American Osteopathic Association, or any other enrolled provider providing primary care services defined by the Centers for Medicare and Medicaid Services (CMS) as eligible for federal financial participation at the one hundred percent (100%) rate may also be eligible for increased payment. To be eligible—

1. The provider may be board certified; or
2. If not board certified, at least sixty percent (60%) of the services billed to MO HealthNet by the physician for CY 2012 must be for primary care E/M codes 99201-99499 or their successor codes and vaccine administration codes 90465, 90466, 90467, 90468, 90471, 90472, 90473, 90474 or their successor codes. Claims data review will be done to ensure the sixty percent (60%) threshold is met.
3. For newly enrolled non-board certified physicians, a year end review will be done to ensure eligibility criteria are met.
4. If the condition of eligibility to receive the payment rate increase is not met the payment will no longer be made.

(3) Reimbursement. MO HealthNet reimbursement rates for primary care services and services related to immunization administration for vaccines and toxoids will be the lower of the provider's usual and customary charges to the general public or the MO HealthNet allowable amount based upon the Medicare Part B rates for office site of service using the mean values over all counties. An additional payment for vaccine administration will be made to bring the reimbursement amount up to Missouri's regional maximum fee of twenty-one dollars and fifty-three cents (\$21.53). The reimbursement amount may be referenced at <http://dss.mo.gov/mhd/index.htm> under Alerts & Notifications.

(4) The fee-for-service and managed care payment rate increase applies to certain primary care services defined in section (1) provided in CY 2013 and 2014 only.

(5) The Federal Medical Assistance Percentage (FMAP) rate is one hundred percent (100%) of the difference between the Medicaid State Plan rate in effect on July 1, 2009, and the amount required to be paid under section 1902(a)(13)(C) of the Social Security Act. The state will be fully reimbursed for these increased payments for primary care services by the federal government.

(6) Primary care services performed by a non-physician practitioner will be paid at the higher rates if properly billed under the provider number of a physician who is enrolled as one of the specified primary care specialists or subspecialists when provided under the physician's personal supervision as services of the supervising physician. There is no increase in payment rate for independently practicing non-physician practitioners.

(7) The increased payments are available for services claimed under the physician services benefit. Increased payments are not available for federally qualified health centers (FQHCs) or rural health clinics (RHCs).

AUTHORITY: sections 208.152, 208.153, and 208.201, RSMo Supp. 2013. Original rule filed Oct. 10, 2013.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions \$103,281,050 between January 1, 2013 and December 31, 2014.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Social Services, MO HealthNet Division, 615 Howerton Court, Jefferson City, MO 65109. To be considered, comments must be delivered by regular mail, express or overnight mail, in person, or by courier within thirty (30) days after publication of this notice in the Missouri Register. If to be hand delivered, comments must be brought to the MO HealthNet Division at 615 Howerton Court, Jefferson City, Missouri. No public hearing is scheduled.

**FISCAL NOTE
PUBLIC COST**

- I. Department Title:** Title 13 - Department of Social Services
Division Title: Division 70 - MO HealthNet Division
Chapter Title: Chapter 25 – Physician Program

Rule Number and Name:	13 CSR 70-25.120
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Social Services, MO HealthNet Division	January 1, 2013 through December 31, 2014: Total Federal Cost = \$103,281,050; State Share \$0

III. WORKSHEET

Fee for Service and Managed Care: Cost to increase evaluation and management codes from the 7/1/09 Medicaid Rate to the Medicare Rate January 1, 2013 through December 31, 2014. \$103,281,050

Total Cost: \$103,281,050

IV. ASSUMPTIONS

Estimate is based on SFY 2010 claims data trended 3.6% annually.

Cost to increase rates from the 7/1/09 Medicaid rate to the Medicare rate is 100% federal funds.

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—MO HealthNet Division
Chapter 40—Optical Program

PROPOSED AMENDMENT

13 CSR 70-40.010 Optical Benefits and Limitations—MO HealthNet Program. The division is amending the purpose statement and the following sections: (1), (3), (4), (6), (7), and (8).

PURPOSE: This amendment updates the purpose statement, the reference date in section (1) and the terminology and information in sections (3), (4), (6), (7), and (8) to reflect current program requirements.

PURPOSE: This rule establishes the basis for administering the Optical [Care] Program under the MO HealthNet program, including the designation of professional persons who may perform optical [care] services; services which are covered, noncovered, and limitations within the program; and the method of reimbursement.

(1) Administration. The Optical Program shall be administered by the Department of Social Services, MO HealthNet Division. The optical services covered and not covered, the program limitations, and the maximum allowable fees for all covered services shall be determined by the Department of Social Services, MO HealthNet Division and shall be included in the Optical provider manual and provider bulletins, which are incorporated by reference and made a part of this rule as published by the Department of Social Services, MO HealthNet Division, 615 Howerton Court, Jefferson City, MO 65109, at its website at [www.dss.mo.gov/mhd, September 15, 2009] <http://dss.mo.gov/mhd/index.htm> November 15, 2013. This rule does not incorporate any subsequent amendment or additions. Services covered shall include only those which are clearly shown to be medically necessary.

(3) Provider Participation. To be eligible for participation in the MO HealthNet Optical Program, a provider must meet the criteria specified for his/her profession as follows:

(C) *[An optometric]* A clinic can participate in the Optical Program if it has a current MO HealthNet Program *[optometric]* clinic number. In addition to the clinic number, each of the performing optometrists must have an effective participation agreement and MO HealthNet program provider number. Reimbursement can be made to the clinic for all covered services provided at the clinic; and

(4) Types of Service Reimbursed by the MO HealthNet Program for Each Profession.

(A) Optometrist or *[Optometric]* Clinic.

1. Eye examinations.
2. Refractions.
3. Eyeglasses.
4. Artificial eyes.
5. Special ophthalmological services.

(6) Covered Services.

(A) Complete or limited eye examination *[with refraction]*.

(B) Eye refraction *[(Medicare-MO HealthNet participant only)]*.

(M) Special lenses.

(T) Photochromatic lenses.

(7) Program Limitations.

(A) One (1) comprehensive or one (1) limited eye examination is allowed per two (2) years (within a twenty-four (24)-month period of time) under the MO HealthNet program. Eligible children, pregnant women, **individuals residing in a nursing home**, and blind persons are allowed one (1) comprehensive or one (1) limited eye examina-

tion per year (within a twelve- (12-)/- month period of time) under the MO HealthNet program. Payment for a comprehensive eye examination will be made only if six (6) or more of the following procedures have been performed:

1. Refraction far point and near point;
2. Case history;
3. Visual acuity testing;
4. External eye examination;
5. Pupillary reflexes;
6. Ophthalmoscopy;
7. Ocular motility testing;
8. Binocular coordination;
9. Vision fields;
10. Biomicroscopy (slit lamp);
11. Tonometry;
12. Color vision; and
13. Depth perception.

(B) If fewer than six (6) of these *[procedures]* are performed, a limited examination must be billed.

(C) Eligible children, pregnant women, **individuals residing in a nursing home**, and blind persons may be allowed additional eye examinations during the year (within a twelve- (12-)/- month period of time) if medically necessary (that is, cataract examination, prescription change of 0.50 diopters or greater).

(F) The original eyeglass prescription and laboratory invoices listing costs for optical materials, lenses, and/or frames provided; and the charge for grinding, edging, or assembling of glasses must be kept on file by the provider for five (5) years and furnished to the MO HealthNet Division **or its representative** upon request.

(G) Special frames are covered under the MO HealthNet program if they are required for medical reasons and are *[prior authorized]* **pre-certified** by MO HealthNet Division. Special frames may be authorized if the patient requires special lenses (*[over]* **plus or minus** 4.00 diopters for one (1) eye or *[over]* **plus or minus** 4.00 diopters for each eye and are extra thick or heavy), the structure of the patient's face requires special frames (a very large face, wide-set eyes), or the patient needs glasses with pads because of nose surgery.

(H) Special lenses are covered under the MO HealthNet program if they are medically justified and the prescription is plus or minus 4.00 diopters for one (1) eye or **plus or minus** 4.00 diopters for each eye, cataract lenses, or special bifocal lenses (for example, plastic Executive lenses).

(O) An eye refraction *[is included in the reimbursement for]* **may be reimbursed in addition to** a comprehensive or limited eye examination. Because *[the]* an eye refraction is not covered by Medicare but is covered by MO HealthNet, providers may bill MO HealthNet for an eye refraction when the patient has Medicare and MO HealthNet coverage.

(S) Optometrists may be reimbursed for visual therapy training when there is a prognosis for substantial improvement or correction of an ocular or vision condition. These conditions include amblyopia, eccentric (nonfoveal) monocular fixation, suppression, inadequate motor or sensory fusion, and strabismus (squint). *[Orthoptic and pleoptic training must be prior authorized by the MO HealthNet Division Optometric Consultant]*. The number of training sessions is limited to one (1) per day, two (2) per week, and a maximum of twenty (20) sessions *[may be requested on the Prior Authorization Request Form]*. If the patient shows significant improvement after the initial twenty (20) sessions and the optometrist feels that further progress could be made, *[MO HealthNet Division may grant prior authorization for]* additional training sessions not to exceed a total of forty (40) sessions **may be provided**.

(U) Visual field examination with optometric diagnosis evaluation, tangent screen, Autoplot, or equivalent is covered when performed by an optometrist and *[prior authorized]* **pre-certified by the** MO HealthNet Division. *[The following criteria will be considered in granting prior authorization:*

1. *Elevated intraocular pressure;*
2. *Best corrected visual acuity of 20/40 or less in either eye;*
3. *Headaches not attributed to refractive error; and*
4. *Reduction of confrontation fields.]*

(8) Noncovered Services.

(D) Contact lenses **other than for medical purposes as described above in subsection (7)(S).**

AUTHORITY: sections 208.152, 208.153, and 208.201, RSMo Supp. [2008] 2013. This rule was previously filed as 13 CSR 40-81.170. Emergency rule filed April 10, 1981, effective April 20, 1981, expired July 10, 1981. Original rule filed April 10, 1981, effective July 11, 1981. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Oct. 10, 2013.

PUBLIC COST: The proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Social Services, MO HealthNet Division, 615 Howerton Court, Jefferson City, MO 65109. To be considered, comments must be delivered by regular mail, express or overnight mail, in person, or by courier within thirty (30) days after publication of this notice in the *Missouri Register*. If to be hand delivered, comments must be brought to the MO HealthNet Division at 615 Howerton Court, Jefferson City, Missouri. No public hearing is scheduled.

Title 13—DEPARTMENT OF SOCIAL SERVICES Division 70—MO HealthNet Division Chapter 45—Hearing Aid Program

PROPOSED AMENDMENT

13 CSR 70-45.010 Hearing Aid Program. The division is amending the following sections: (1), (3), (4), (5), (10), (12), (14) and (15).

PURPOSE: This amendment updates the reference date in section (1), revises terminology in sections (3), (4), (10), and subsection (15)(A), removes outdated information in sections (5), (12), and (14), and replaces the wording in subsection (15)(H).

(1) Administration. The Hearing Aid Program shall be administered by the Department of Social Services, MO HealthNet Division. The services and items covered and not covered, the program limitations and the maximum allowable fees for all covered services shall be determined by the Department of Social Services, MO HealthNet Division through the hearing aid manual and hearing aid bulletins, which are incorporated by reference and made a part of this rule, as published by the Department of Social Services, MO HealthNet Division, 615 Howerton Court, Jefferson City, MO 65109, at its website at www.dss.mo.gov/mhd, [April 15, 2008] **November 15, 2013**. This rule does not incorporate any subsequent amendments or additions.

(3) Prior Authorization of Hearing Aids. Effective for service dates November 1, 1989 and thereafter, all hearing aids and related services will require prior authorization with the exception of *[audiological testing]* **hearing evaluation for the purpose of prescribing**

a hearing aid, post-fitting evaluations, post-fitting adjustments, repairs to hearing aids no longer under warranty, and special tests for ruling out retrocochlear involvement.

(4) *[Audiological]* **Hearing Evaluation Requirements.** A *[n audio-logical examination]* **hearing evaluation for the purpose of obtaining a hearing aid** must be performed by an audiologist, hearing *[aid dealer/fitter]* **instrument specialist**, or physician (MD or DO) prior to the submission of a Prior Authorization Request form. This testing, when administered for the purpose of prescribing a hearing aid, will be reimbursed by the MO HealthNet program. *[Audiological t]*Testing performed in relation to a medical or surgical diagnosis or treatment for hearing deficits or related medical problems for purposes other than determining the need for a hearing aid is a noncovered service and is not reimbursable by the MO HealthNet Hearing Aid Program. The *[audiological tests]* **hearing evaluation performed for the purpose of obtaining a hearing aid** must include, at a minimum, air conduction thresholds, bone conduction thresholds (with masking when necessary), speech reception thresholds and speech discrimination scores. The results obtained from these basic *[audiological]* **hearing tests** must be clear and internally consistent, and must demonstrate that a hearing aid is needed, that it will benefit the participant and will support the recommendation of which ear is to be fitted. Testing must be provided in accordance with sound professional practice and the standards under which the provider is licensed.

(5) Hearing Loss (HL) Requirement. A participant's pure-tone average (PTA) must be thirty decibels (30dB) HL or greater in the better ear to qualify for a hearing aid. The PTA is the average air-conduction threshold for five hundred (500), one thousand (1,000), and two thousand (2,000) Hertz (Hz) measured with an earphone. *[A participant's speech discrimination must be at least forty percent (40%) without visual cues in the ear to be aided to qualify for a hearing aid. The speech discrimination is measured with an earphone using a CID W-22 word list or equivalent. The speech discrimination test materials that are used must be specified.]* **Word recognition must be tested with twenty-five (25) or fifty (50) item phonetically balanced word lists.**

(10) Services/Items Provided in a Nursing Home. A request for *[audiological testing and a hearing aid]* **hearing evaluation for the purpose of prescribing a hearing aid** must originate with the participant and must proceed with the participant's full knowledge and consent. All hearing aids and related services performed or provided in a nursing home, boarding home, domiciliary home, or institution require prior authorization as specified in section (3), with the exception that *[audiological testing]* **hearing evaluation for the purpose of prescribing a hearing aid being performed in these places of service** also requires prior authorization.

(14) Hearing Aid Repairs. MO HealthNet will cover necessary repairs to any eligible participant's hearing aid that is no longer under warranty. The warranty period on new aids or repairs will be for one (1) year from the date the hearing aid is dispensed. *[The methods of reimbursement for repairs are as follows:]*

(A) *[Out-of-shop Repairs.]* Necessary repairs made out-of-shop, where the aid must be sent out to the manufacturer or repair lab, will be reimbursed at twenty dollars (\$20) plus the invoiced cost of the repair. The twenty dollars (\$20) covers the provider's cost for postage and processing. Included also is any postage for returning the aid to the provider, any insurance fee charged, and a six- (6-)[-] month warranty[; and].

[(B) In-shop Repairs. Necessary repairs made in-shop will be reimbursed at the provider's cost for parts plus a reasonable charge for labor. The state consultant will determine the reasonable charge for labor. Repairs will be considered as in-shop repairs for—

1. Any repair made in the provider's office;
2. Any repair made in a provider-owned and/or operated repair or manufacturing lab; or
3. Any repair made by a provider who is employed by or affiliated with another provider who owns or operates a repair or manufacturing lab.]

(15) Post-fitting Adjustments. A maximum of three (3) post-fitting adjustments or hearing aid repairs or any combination totaling three (3) are covered in a twelve- (12-)/ month period. Minor adjustments and repairs such as the following must be billed as a post-fitting adjustment:

(A) [Resetting] **Reprogramming** or adjusting the frequency response of the aid;

(H) [Performing minor in-shop hearing aid repairs] **Changing microphone filters or receivers**;

AUTHORITY: sections 208.152, 208.153, and 208.201, RSMo Supp. [2007] 2013. This rule was previously filed as 13 CSR 40-81.120. Emergency rule filed June 1, 1979, effective June 11, 1979, expired Sept. 13, 1979. Original rule filed June 1, 1979, effective Sept. 14, 1979. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Oct. 10, 2013.

PUBLIC COST: The proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Social Services, MO HealthNet Division, 615 Howerton Court, Jefferson City, MO 65109. To be considered, comments must be delivered by regular mail, express or overnight mail, in person, or by courier within thirty (30) days after publication of this notice in the *Missouri Register*. If to be hand delivered, comments must be brought to the MO HealthNet Division at 615 Howerton Court, Jefferson City, Missouri. No public hearing is scheduled.

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—MO HealthNet Division
Chapter 98—[Psychiatric/Psychology/Counseling/
Clinical Social Work Program] Behavioral Health
Services

PROPOSED AMENDMENT

13 CSR 70-98.020 Prior Authorization Process for Non-Pharmaceutical [Mental] Behavioral Health Services. The division is amending the chapter title, rule title, purpose statement, and sections (1), (2), and (3).

PURPOSE: This amendment is needed to address the name change of Psychiatric/Psychology/Counseling/Clinical Social Work Program to Behavioral Health Services Program; address the name change of mental health services to behavioral health services; and eliminate reference to a specific version of the *Diagnostic and Statistical Manual (DSM)*.

PURPOSE: This rule establishes the process by which non-pharmaceutical [mental] behavioral health services will be prior authorized in order to be reimbursable by the MO HealthNet Program. The prior authorization process will serve as a utilization management measure

allowing payment only for this treatment and services (interventions) that are medically necessary, appropriate and cost-effective, and to reduce over-utilization or abuse of services without compromising the quality of care to MO HealthNet participants.

(1) This rule establishes a MO HealthNet non-pharmaceutical [mental] behavioral health services prior authorization advisory committee in the Department of Social Services, MO HealthNet Division. The advisory committee shall be composed of practicing clinicians who are also licensed in their respective fields. The advisory committee shall be composed of three (3) practicing psychiatrists, three (3) practicing psychologists, three (3) practicing licensed clinical social workers (LCSW), and three (3) practicing licensed professional counselors (LPC). All members shall be appointed by the director of the Department of Social Services. The members of the committee shall represent a broad spectrum of practice including, but not limited to, those providing services to adults, children, children in custody, the geriatric population, and Department of Mental Health clients. The members shall serve for a term of four (4) years, except that of the members first appointed, three (3) shall be appointed for one (1) year, three (3) shall be appointed for two (2) years, three (3) shall be appointed for three (3) years, and three (3) shall be appointed for four (4) years. Members of the committee shall receive no compensation for their services but shall be reimbursed for their actual and necessary expenses incurred related to participation on the committee, as approved by the MO HealthNet Division out of appropriations made for that purpose.

(2) All persons eligible for MO HealthNet benefits shall have access to non-pharmaceutical [mental] behavioral health services when they are determined medically necessary when using diagnostic criteria from the **current edition of the** *Diagnostic and Statistical Manual [of Mental Disorders—Fourth Edition (DSM-IV), published by] (DSM)* of the American Psychiatric Association[, or the most currently published version of the *DSM manual*]. The services covered and not covered, the limitations under which services are covered, and the maximum allowable fees for all covered services shall be determined by the MO HealthNet Division and shall be included in the MO HealthNet [Psychology/Counseling] Behavioral Health Services Provider Manual and Section 13 of the Physician Provider Manual, which are incorporated by reference and made a part of this rule as published by the Department of Social Services, MO HealthNet Division, 615 Howerton Court, Jefferson City, MO 65109, on its website www.dss.mo.gov/mhd, [December 3, 2007] **November 15, 2013**. This rule does not incorporate any subsequent amendments or additions. The MO HealthNet non-pharmaceutical [mental] behavioral health services prior authorization advisory committee shall review and make recommendations regarding the prior authorization process to the MO HealthNet Division. The MO HealthNet non-pharmaceutical [mental] behavioral health services prior authorization advisory committee shall hold a public hearing in order to make recommendations to the department prior to any final decisions by the division on the prior authorization process. The recommendations of the non-pharmaceutical [mental] behavioral health services prior authorization advisory committee shall be provided to the MO HealthNet Division, in writing, prior to the division making a final determination. The policy requirements regarding the prior authorization process for non-pharmaceutical [mental] behavioral health services shall be available through the Department of Social Services, MO HealthNet Division website at www.dss.mo.gov/mhd.

(3) The prior authorization requirements shall be reviewed at least every twelve (12) months by the non-pharmaceutical [mental] behavioral health services prior authorization committee.

AUTHORITY: section 208.201, RSMo Supp. [2007] 2013. Original rule filed Jan. 15, 2004, effective Aug. 30, 2004. Amended: Filed

Oct. 30, 2007, effective April 30, 2008. Amended: Filed Oct. 10, 2013.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Social Services, MO HealthNet Division, 615 Howerton Court, Jefferson City, MO 65109. To be considered, comments must be delivered by regular mail, express or overnight mail, in person, or by courier within thirty (30) days after publication of this notice in the **Missouri Register**. If to be hand delivered, comments must be brought to the MO HealthNet Division at 615 Howerton Court, Jefferson City, Missouri. No public hearing is scheduled.*

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 400—Life, Annuities and Health
Chapter 5—Advertising and Material Disclosures**

PROPOSED AMENDMENT

20 CSR 400-5.600 Missouri Life and Health Insurance Guaranty Association. The department is amending this rule so that the regulation and its appendices are generally consistent with the National Association of Insurance Commissioners (NAIC) Guideline Notice of Protection Provided by State Life and Health Insurance Guaranty Association and the newly amended section 376.717, RSMo Supp. 2013. Only Appendix One, relating to section (1) of this rule is being amended. No changes are being proposed to section (2) of this regulation.

PURPOSE: A notice of guarantee fund limits is required by section 376.756, RSMo 2000. Section 376.717 was amended by SB 59 (2013) to adjust the fund limits. This proposed amendment is intended to make the notice provided by this regulation consistent with the National Association of Insurance Commissioners (NAIC) Guideline Notice of Protection Provided by State Life and Health Insurance Guaranty and the newly amended section 376.717, RSMo Supp. 2013.

(1) Effective May 31, 1989 no insurer may deliver a policy or contract described in section 376.717.2, RSMo, to a policy or contract holder unless a copy of the notice set out in Appendix One is given to the policy or contract holder before or at the time of delivery.

If the policy or contract is excluded under section 376.717.3, RSMo, the notice set out in Appendix One, which is included herein, does not need to be delivered to the policy or contract holder.

APPENDIX ONE
[NOTICE CONCERNING COVERAGE
LIMITATIONS AND EXCLUSIONS UNDER THE LIFE AND
HEALTH INSURANCE GUARANTY ASSOCIATION ACT]
NOTICE OF PROTECTION PROVIDED BY
MISSOURI LIFE AND HEALTH INSURANCE GUARANTY ASSOCIATION

Residents of this state who purchase life insurance, annuities or health insurance should know that the insurance companies licensed in this state to write these types of insurance are members of the Missouri Life and Health Insurance Guaranty Association. The purpose of this association is to assure that policyholders will be protected, within limits, in the unlikely event that a member insurer becomes financially unable to meet its obligations. If this should happen, the guaranty association will assess its other member insurance companies for the money to pay the claims of insured persons who live in this state and, in some cases, to keep coverage in force. The valuable extra protection provided by these insurers through the guaranty association is not unlimited, however. And, as noted in the box below, this protection is not a substitute for consumers' care in selecting companies that are well-managed and financially stable.

The Missouri Life and Health Insurance Guaranty Association may not provide coverage for this policy. If coverage is provided, it may be subject to substantial limitations or exclusions, and require continued residency in Missouri. You should not rely on coverage by the Missouri Life and Health Insurance Guaranty Association in selecting an insurance company or in selecting an insurance policy. Coverage is NOT provided for your policy or any portion of it that is not guaranteed by the insurer or for which you have assumed the risk, such as a variable contract sold by prospectus. Insurance companies or their insurance producers are required by law to give or send you this notice. However, insurance companies and their insurance producers are prohibited by law from using the existence of the guaranty association to induce you to purchase any kind of insurance policy. YOU MAY CONTACT EITHER THE ASSOCIATION OR THE MISSOURI DEPARTMENT OF INSURANCE AT THE FOLLOWING ADDRESSES SHOULD YOU HAVE ANY QUESTIONS REGARDING THIS NOTICE

*The Missouri Life and Health Insurance Guaranty Association
 994 Diamond Ridge, Suite 102
 Jefferson City, MO 65109*

*Missouri Department of Insurance
 PO Box 690
 Jefferson City, MO 65102-0690*

The state law that provides for this safety-net coverage is called the Missouri Life and Health Insurance Guaranty Association Act. On the back of this page is a brief summary of this law's coverages, exclusions and limits. This summary does not cover all provisions of the law; nor does it in any way change anyone's rights or obligations under the Act or the rights or obligations of the guaranty association.

(please turn to back of page)

Generally, persons will be covered if they live in this state, and hold a life or health insurance contract or annuity, or a certificate under a group policy or contract. However, not all individuals with a right to recover under life or health insurance policies or annuities are protected by the Act. A person is not protected when—

1. The person is eligible for protection under the laws of another state;
2. The person purchased the insurance from a company that was not authorized to do business in this state;
3. The policy is issued by an organization which is not a member insurer of the association; or
4. The person does not live in this state, except under limited circumstances.

Additionally, the Association may not provide coverage for the entire amount a person expects to receive from the policy. The Association does not provide coverage for any portion of the policy where the person has assumed the risk, for any policy of reinsurance (unless an assumption certificate was issued), for interest rates that exceed a specified average rate, for employers' plans that are self-funded, for parts of plans that provide dividends or credits in connection with the administration of policy, or for unallocated annuity contracts (which are generally issued to pension plan trustees). The Act also limits the amount the Association is obligated to pay persons on various policies. The Association does not pay more than the amount of the contractual obligation of the insurance company. The Association does not have to pay more than three hundred thousand dollars (\$300,000) in death benefits for any one life regardless of the number of policies that insure that life. The Association does not have to pay amounts over one hundred thousand dollars (\$100,000) in cash surrender or withdrawal benefits on one life regardless of the number of policies insuring that individual. For health insurance benefits, the Association is not obligated to pay over one hundred thousand dollars (\$100,000) including net cash surrender and withdrawal benefits. On an annuity contract, the Association is not liable for over one hundred thousand dollars (\$100,000) in present value. Finally, the Association is never obligated to pay more than a total of three hundred thousand dollars (\$300,000) for any one insured for any combination of insurance benefits.]

This notice provides a *brief summary* of the Missouri Life and Health Insurance Guaranty Association (“the Association”) and the protection it provides for policyholders. This safety net was created under Missouri law, which determines who and what is covered and the amounts of coverage.

The Association was established to provide protection in the unlikely event that your life, annuity, or health insurance company becomes financially unable to meet its obligations and is taken over by its insurance department. If this should happen, the Association will typically arrange to continue coverage and pay claims, in accordance with Missouri law, with funding from assessments paid by other insurance companies.

The basic protections provided by the Association are as follows:

- Life Insurance
 - \$300,000 in death benefits
 - \$100,000 in cash surrender or withdrawal values
- Health Insurance
 - \$500,000 in hospital, medical and surgical insurance benefits
 - \$300,000 in disability insurance benefits
 - \$300,000 in long-term care insurance benefits
 - \$100,000 in other types of health insurance benefits
- Annuities
 - \$250,000 in withdrawal and cash values

The maximum amount of protection for each individual, regardless of the number of policies or contracts, is as follows:

- \$300,000 in aggregate for all types of coverage listed above, with the exception of basic hospital, medical, and surgical insurance or major medical insurance
- \$500,000 in aggregate for basic hospital, medical, and surgical insurance or major medical insurance
- \$5,000,000 to one policy owner of multiple nongroup policies of life insurance, whether the policy owner is an individual, firm, corporation, or other person, and whether the persons insured are officers, managers, employees, or other persons

Note: Certain policies and contracts may not be covered or fully covered. For example, coverage does not extend to any portion(s) of a policy or contract that the insurer does not guarantee, such as certain investment additions to the account value of a variable life insurance policy or a variable annuity contract. There are also various residency requirements and other limitations under Missouri law.

To learn more about the above protections, as well as protections relating to group contracts or retirement plans, please visit the Association’s website at www.mo-iga.org, or contact:

Missouri Life and Health
Insurance Guaranty Association
994 Diamond Ridge, Suite 102
Jefferson City, Missouri 65109
Ph.: 573-634-8455
Fax: 573-634-8488

Missouri Department of Insurance, Financial
Institutions and Professional Registration
301 West High Street, Room 530
Jefferson City, Missouri 65101
Ph.: 573-522-6115

Insurance companies and agents are not allowed by Missouri law to use the existence of the Association or its coverage to encourage you to purchase any form of insurance. When selecting an insurance company, you should not rely on Association coverage. If there is any inconsistency between this notice and Missouri law, then Missouri law will control.

AUTHORITY: section[s] 374.045.1(2), **RSMo Supp. 2013**, and **section 376.756, RSMo 2000**. This rule was previously filed as 4 CSR 190-13.290. Original rule filed Sept. 6, 1988, effective April 1, 1989. For intervening history, please consult the **Code of State Regulations**. Amended: Filed Oct. 10, 2013.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will cost private entities approximately one hundred five thousand dollars (\$105,000) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Insurance, Financial Institutions and Professional Registration, Attention: Carolyn H. Kerr, Senior Counsel, Legal Section, PO Box 690, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. A public hearing is scheduled for 10:00 a.m. on Tuesday, December 20, 2013, at the Harry S Truman State Office Building, Room 530, 301 West High Street, Jefferson City, Missouri.

SPECIAL NEEDS: If you have any special needs addressed by the Americans with Disabilities Act, please notify us at (573) 751-2619 at least five (5) working days prior to the hearing.

**FISCAL NOTE
PRIVATE COST**

- I. **Department Title:** Department of Insurance, Financial Institutions and Professional Registration
 Division Title: 400 - Life, Annuities and Health
 Chapter Title: 5 – Advertising and Material Disclosures

Rule Number and Title:	20 CSR 400-5.600 Missouri Life and Health Insurance Guaranty Association
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
418	Insurance Companies	Approx. \$105,000

III. WORKSHEET

418 companies
\$50/form filing
Average 5 forms per company (\$250.00/company)
418 companies * \$250 filing fees = \$104,500

IV. ASSUMPTIONS

Insurance companies that deliver certain types of policies or contracts are required to provide a notice of life and health insurance guaranty fund limits. That notice is promulgated as Appendix 1 to 20 CSR 400-5.600. Once the notice changes, as required by amendments to § 376.717 (SB 59, Laws 2013), companies may refile forms to incorporate the new notice. Form filings cost companies \$50 per filing. The aggregate impact will be determined by the number of insurance companies that deliver policies described in § 376.717.2 and how many policy forms will have to be filed per company. The Department estimates that each company will file approximately five forms, bringing the total to approximately \$105,000.

This section will contain the final text of the rules proposed by agencies. The order of rulemaking is required to contain a citation to the legal authority upon which the order or rulemaking is based; reference to the date and page or pages where the notice of proposed rulemaking was published in the *Missouri Register*; an explanation of any change between the text of the rule as contained in the notice of proposed rulemaking and the text of the rule as finally adopted, together with the reason for any such change; and the full text of any section or subsection of the rule as adopted which has been changed from that contained in the notice of proposed rulemaking. The effective date of the rule shall be not less than thirty (30) days after the date of publication of the revision to the *Code of State Regulations*.

The agency is also required to make a brief summary of the general nature and extent of comments submitted in support of or opposition to the proposed rule and a concise summary of the testimony presented at the hearing, if any, held in connection with the rulemaking, together with a concise summary of the agency's findings with respect to the merits of any such testimony or comments which are opposed in whole or in part to the proposed rule. The ninety-(90-) day period during which an agency shall file its order of rulemaking for publication in the *Missouri Register* begins either: 1) after the hearing on the proposed rulemaking is held; or 2) at the end of the time for submission of comments to the agency. During this period, the agency shall file with the secretary of state the order of rulemaking, either putting the proposed rule into effect, with or without further changes, or withdrawing the proposed rule.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 265—Division of Motor Carrier and Railroad Safety Chapter 12—Motor Carriers

ORDER OF RULEMAKING

By the authority vested in the Missouri Highways and Transportation Commission under section 622.027, RSMo 2000, the commission rescinds a rule as follows:

4 CSR 265-12.020 Uniform Systems of Accounts for Class B Motor Carriers of Household Goods and Passengers **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on June 17, 2013 (38 MoReg 881-882). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 265—Division of Motor Carrier and Railroad Safety Chapter 12—Motor Carriers

ORDER OF RULEMAKING

By the authority vested in the Missouri Highways and Transportation Commission under section 622.027, RSMo 2000, the commission rescinds a rule as follows:

4 CSR 265-12.030 Uniform System of Accounts for Class I Motor Carriers of Passengers **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on June 17, 2013 (38 MoReg 882). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 7—DEPARTMENT OF TRANSPORTATION

Division 265—Motor Carrier and Railroad Safety

Chapter 10—Motor Carrier Operations

ORDER OF RULEMAKING

By the authority vested in the Missouri Highways and Transportation Commission under section 622.027, RSMo 2000, the commission amends a rule as follows:

7 CSR 265-10.010 Definitions **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 17, 2013 (38 MoReg 882-883). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 7—DEPARTMENT OF TRANSPORTATION

Division 265—Motor Carrier and Railroad Safety

Chapter 10—Motor Carrier Operations

ORDER OF RULEMAKING

By the authority vested in the Missouri Highways and Transportation Commission under section 622.027, RSMo 2000, and section 226.008, RSMo Supp. 2013, the commission rescinds a rule as follows:

7 CSR 265-10.015 General Application Requirements for the Issuance and Transfer of Intrastate Motor Carrier Certificates, Permits and Temporary Authority **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on June 17, 2013 (38 MoReg 883). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 7—DEPARTMENT OF TRANSPORTATION
Division 265—Motor Carrier and Railroad Safety
Chapter 10—Motor Carrier Operations**

ORDER OF RULEMAKING

By the authority vested in the Missouri Highways and Transportation Commission under section 622.027, RSMo 2000, and section 226.008, RSMo Supp. 2013, the commission adopts a rule as follows:

7 CSR 265-10.015 Application Requirements for the Issuance and Transfer of Intrastate Motor Carrier Authority **is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on June 17, 2013 (38 MoReg 883–884). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 7—DEPARTMENT OF TRANSPORTATION
Division 265—Motor Carrier and Railroad Safety
Chapter 10—Motor Carrier Operations**

ORDER OF RULEMAKING

By the authority vested in the Missouri Highways and Transportation Commission under sections 390.041(1), 390.138, and 622.027, RSMo 2000 and sections 226.008 and 390.136, RSMo Supp. 2013, the commission rescinds a rule as follows:

7 CSR 265-10.020 Licensing of Vehicles **is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on June 17, 2013 (38 MoReg 884). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 7—DEPARTMENT OF TRANSPORTATION
Division 265—Motor Carrier and Railroad Safety
Chapter 10—Motor Carrier Operations**

ORDER OF RULEMAKING

By the authority vested in the Missouri Highways and Transportation Commission under sections 390.041, 390.138, and 622.027, RSMo 2000, the commission adopts a rule as follows:

7 CSR 265-10.020 Licensing of Vehicles **is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on June 17, 2013 (38 MoReg 884–885). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 7—DEPARTMENT OF TRANSPORTATION
Division 265—Motor Carrier and Railroad Safety
Chapter 10—Motor Carrier Operations**

ORDER OF RULEMAKING

By the authority vested in the Missouri Highways and Transportation Commission under section 622.027, RSMo 2000, the commission rescinds a rule as follows:

7 CSR 265-10.025 Marking of Vehicles **is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on June 17, 2013 (38 MoReg 885). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 7—DEPARTMENT OF TRANSPORTATION
Division 265—Motor Carrier and Railroad Safety
Chapter 10—Motor Carrier Operations**

ORDER OF RULEMAKING

By the authority vested in the Missouri Highways and Transportation Commission under section 622.027, RSMo 2000, the commission adopts a rule as follows:

7 CSR 265-10.025 Marking of Vehicles **is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on June 17, 2013 (38 MoReg 885–886). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 7—DEPARTMENT OF TRANSPORTATION
Division 265—Motor Carrier and Railroad Safety
Chapter 10—Motor Carrier Operations**

ORDER OF RULEMAKING

By the authority vested in the Missouri Highways and Transportation Commission under sections 390.021, 390.041, 390.126, 390.128, and 622.027, RSMo 2000, the commission rescinds a rule as follows:

7 CSR 265-10.030 Insurance **is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on June 17, 2013 (38 MoReg 886). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 7—DEPARTMENT OF TRANSPORTATION
Division 265—Motor Carrier and Railroad Safety
Chapter 10—Motor Carrier Operations**

ORDER OF RULEMAKING

By the authority vested in the Missouri Highways and Transportation

Commission under sections 390.021, 390.041, 390.126, 390.128, and 622.027, RSMo 2000, the commission adopts a rule as follows:

7 CSR 265-10.030 Insurance is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on June 17, 2013 (38 MoReg 886-887). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 7—DEPARTMENT OF TRANSPORTATION
Division 265—Motor Carrier and Railroad Safety
Chapter 10—Motor Carrier Operations**

ORDER OF RULEMAKING

By the authority vested in the Missouri Highways and Transportation Commission under section 622.027, RSMo 2000, the commission amends a rule as follows:

**7 CSR 265-10.035 Application for a Self-Insurer Status
is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 17, 2013 (38 MoReg 887). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 7—DEPARTMENT OF TRANSPORTATION
Division 265—Motor Carrier and Railroad Safety
Chapter 10—Motor Carrier Operations**

ORDER OF RULEMAKING

By the authority vested in the Missouri Highways and Transportation Commission under section 622.027, RSMo 2000, the commission rescinds a rule as follows:

7 CSR 265-10.040 Motor Vehicle Leasing is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on June 17, 2013 (38 MoReg 888). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 7—DEPARTMENT OF TRANSPORTATION
Division 265—Motor Carrier and Railroad Safety
Chapter 10—Motor Carrier Operations**

ORDER OF RULEMAKING

By the authority vested in the Missouri Highways and Transportation Commission under section 622.027, RSMo 2000, the commission adopts a rule as follows:

7 CSR 265-10.040 Motor Vehicle Leasing is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on June 17, 2013 (38 MoReg 888-889). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 7—DEPARTMENT OF TRANSPORTATION
Division 265—Motor Carrier and Railroad Safety
Chapter 10—Motor Carrier Operations**

ORDER OF RULEMAKING

By the authority vested in the Missouri Highways and Transportation Commission under section 622.027, RSMo 2000, the commission amends a rule as follows:

7 CSR 265-10.045 Passenger Service Requirement is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 17, 2013 (38 MoReg 889). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 7—DEPARTMENT OF TRANSPORTATION
Division 265—Motor Carrier and Railroad Safety
Chapter 10—Motor Carrier Operations**

ORDER OF RULEMAKING

By the authority vested in the Missouri Highways and Transportation Commission under section 622.027, RSMo 2000, the commission amends a rule as follows:

**7 CSR 265-10.050 Tariffs, Time Schedules, and Motor Carrier
Documentation is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 17, 2013 (38 MoReg 889-892). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 7—DEPARTMENT OF TRANSPORTATION
Division 265—Motor Carrier and Railroad Safety
Chapter 10—Motor Carrier Operations**

ORDER OF RULEMAKING

By the authority vested in the Missouri Highways and Transportation Commission under section 622.027, RSMo 2000, the commission amends a rule as follows:

7 CSR 265-10.055 Passenger Tariffs is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 17, 2013 (38 MoReg 892–893). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 7—DEPARTMENT OF TRANSPORTATION
Division 265—Motor Carrier and Railroad Safety
Chapter 10—Motor Carrier Operations**

ORDER OF RULEMAKING

By the authority vested in the Missouri Highways and Transportation Commission under section 622.027, RSMo 2000, the commission rescinds a rule as follows:

7 CSR 265-10.060 Inspection of Books, Records, Property, Equipment, and Roadside Stops by Division Personnel
is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on June 17, 2013 (38 MoReg 893). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 7—DEPARTMENT OF TRANSPORTATION
Division 265—Motor Carrier and Railroad Safety
Chapter 10—Motor Carrier Operations**

ORDER OF RULEMAKING

By the authority vested in the Missouri Highways and Transportation Commission under section 622.027, RSMo 2000, the commission rescinds a rule as follows:

7 CSR 265-10.070 Classification of Common Carriers by Services Performed **is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on June 17, 2013 (38 MoReg 893). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 7—DEPARTMENT OF TRANSPORTATION
Division 265—Motor Carrier and Railroad Safety
Chapter 10—Motor Carrier Operations**

ORDER OF RULEMAKING

By the authority vested in the Missouri Highways and Transportation Commission under section 622.027, RSMo 2000, the commission rescinds a rule as follows:

7 CSR 265-10.080 Rules Governing the Transportation of Household Goods **is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on June 17, 2013 (38 MoReg 893–894). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 7—DEPARTMENT OF TRANSPORTATION
Division 265—Motor Carrier and Railroad Safety
Chapter 10—Motor Carrier Operations**

ORDER OF RULEMAKING

By the authority vested in the Missouri Highways and Transportation Commission under section 622.027, RSMo 2000, the commission amends a rule as follows:

7 CSR 265-10.090 Merger of Duplicated or Overlapping Motor Carrier Operating Authority **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 17, 2013 (38 MoReg 894). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 7—DEPARTMENT OF TRANSPORTATION
Division 265—Motor Carrier and Railroad Safety
Chapter 10—Motor Carrier Operations**

ORDER OF RULEMAKING

By the authority vested in the Missouri Highways and Transportation Commission under section 622.027, RSMo 2000, the commission amends a rule as follows:

7 CSR 265-10.100 Regulation of Advertising by Motor Carriers **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 17, 2013 (38 MoReg 894–895). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 7—DEPARTMENT OF TRANSPORTATION
Division 265—Motor Carrier and Railroad Safety
Chapter 10—Motor Carrier Operations**

ORDER OF RULEMAKING

By the authority vested in the Missouri Highways and Transportation Commission under section 622.027, RSMo 2000, the commission rescinds a rule as follows:

7 CSR 265-10.110 Joint Service, Interlining and Tacking by Passenger or Household Goods Carriers **is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on June 17, 2013 (38 MoReg 895). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 7—DEPARTMENT OF TRANSPORTATION
Division 265—Motor Carrier and Railroad Safety
Chapter 10—Motor Carrier Operations**

ORDER OF RULEMAKING

By the authority vested in the Missouri Highways and Transportation Commission under section 622.027, RSMo 2000, the commission adopts a rule as follows:

7 CSR 265-10.110 Joint Service and Interlining by Passenger or Household Goods Carriers **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on June 17, 2013 (38 MoReg 895). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 7—DEPARTMENT OF TRANSPORTATION
Division 265—Motor Carrier and Railroad Safety
Chapter 10—Motor Carrier Operations**

ORDER OF RULEMAKING

By the authority vested in the Missouri Highways and Transportation Commission under section 622.027, RSMo 2000, the commission rescinds a rule as follows:

7 CSR 265-10.120 Household Goods Tariffs **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on June 17, 2013 (38 MoReg 896). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 7—DEPARTMENT OF TRANSPORTATION
Division 265—Motor Carrier and Railroad Safety
Chapter 10—Motor Carrier Operations**

ORDER OF RULEMAKING

By the authority vested in the Missouri Highways and Transportation Commission under section 622.027, RSMo 2000, the commission adopts a rule as follows:

7 CSR 265-10.130 Complaints **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on June 17, 2013 (38 MoReg 896). No changes have been made in the text of the proposed

rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 7—DEPARTMENT OF TRANSPORTATION
Division 265—Motor Carrier and Railroad Safety
Chapter 10—Motor Carrier Operations**

ORDER OF RULEMAKING

By the authority vested in the Missouri Highways and Transportation Commission under section 622.027, RSMo 2000, the commission amends a rule as follows:

7 CSR 265-10.140 Discontinuance of Service; Suspension and Revocation of Certificates, Permits, and Property Carrier Registrations **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 17, 2013 (38 MoReg 896–897). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 23—Division of Geology and Land Survey
Chapter 5—Heat Pump Construction Code**

ORDER OF RULEMAKING

By the authority vested in the Well Installation Board, under section 256.606, RSMo 2000, the board amends a rule as follows:

10 CSR 23-5.010 Definitions **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 1, 2013 (38 MoReg 1101). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed amendment was held August 1, 2013, and the public comment period ended August 8, 2013. At the public hearing, the staff from the Division of Geology and Land Survey made opening statements regarding the proposed amendment. Five (5) people were in attendance at the public hearing; one (1) comment was received during the hearing and one (1) written comment was received.

COMMENT: The Missouri Water Well Association and Ms. Beth Marsala commented that the definition of an open-loop return well was changed so that it appears it is a requirement to have two (2) wells in the system and one (1) well cannot be used as both a supply and return well.

RESPONSE: Definition (3) Open-loop water return well provides the definition of the return well if one (1) is installed. This definition is a re-statement of the previous definition (4). The new language did not change the meaning except to add the word “open-loop” and re-number the definitions in alphabetic order. Definition (2) provides the definition of an open-loop supply well. No changes have been made based on this comment.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 23—Division of Geology and Land Survey
Chapter 5—Heat Pump Construction Code**

ORDER OF RULEMAKING

By the authority vested in the Well Installation Board, under section 256.606, RSMo 2000, the board amends a rule as follows:

10 CSR 23-5.020 Certification and Registration of Heat Pump Systems is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 1, 2013 (38 MoReg 1101–1102). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed amendment was held August 1, 2013, and the public comment period ended August 8, 2013. At the public hearing, the staff from the Division of Geology and Land Survey made opening statements regarding the proposed amendment. There were five (5) people in attendance at the public hearing. No comments were received.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 23—Division of Geology and Land Survey
Chapter 5—Heat Pump Construction Code**

ORDER OF RULEMAKING

By the authority vested in the Well Installation Board, under section 256.606, RSMo 2000, the board amends a rule as follows:

10 CSR 23-5.030 General Protection of Groundwater Quality and Resources is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 1, 2013 (38 MoReg 1102). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed amendment was held August 1, 2013, and the public comment period ended August 8, 2013. At the public hearing, the staff from the Division of Geology and Land Survey made opening statements regarding the proposed amendment. There were five (5) people in attendance at the public hearing. No comments were received.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 23—Division of Geology and Land Survey
Chapter 5—Heat Pump Construction Code**

ORDER OF RULEMAKING

By the authority vested in the Well Installation Board, under section 256.606, RSMo 2000, the board amends a rule as follows:

10 CSR 23-5.040 Location of Heat Pump Wells is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 1, 2013 (38 MoReg 1102–1103). No changes have been made in the text of

the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed amendment was held August 1, 2013, and the public comment period ended August 8, 2013. At the public hearing, the staff from the Division of Geology and Land Survey made opening statements regarding the proposed amendment. There were five (5) people in attendance at the public hearing; one (1) written comment was received.

COMMENT: The Missouri Water Well Association (MWWA) commented that in section (5) the language requiring grout plugs in a well that encounters oil and/or gas was changed which required a fiscal note.

RESPONSE: The division held numerous stakeholder meetings during the development of this amendment. Contact was made with drilling contractors who drill specifically in Area 2, which includes the primary oil and gas producing area of the state, to solicit their comments regarding this amendment. Each contractor stated that if they currently encounter oil and/or gas during the drilling of the wells, they install a grout plug to seal out the oil and/or gas zone in lieu of plugging the well and moving to a different location. When questioned, these same contractors stated they pressure grout the full length of the well to ensure the well is sealed properly to prevent the migration of oil/gas within the well bore. The full length grout and plugs to seal off the oil/gas zone is more cost effective than plugging the well and moving to a different location and starting drilling again.

During the years 2010 – 2013, one hundred forty-four (144) vertical heat pump systems installed were in Area 2; of that one hundred forty-four (144) there were one hundred seven (107) systems installed in areas with oil and/or gas zones. Out of the one hundred seven (107) systems that were installed in oil and/or gas zones, there were one hundred two (102) systems installed with full length grout. Five (5) systems were installed with a series of five foot (5') plugs; of that five (5), four (4) of those systems were installed by drilling contractors that typically do not drill in that area of the state. Based on the locations of the latter five (5) wells, it is unlikely the drilling contractor encountered a potential oil and/or gas producing zone, due to the shallow depth of the wells. Most of the known oil/gas producing zones are greater than two hundred feet (200') in depth in this area.

Based on these assumptions, it is anticipated the cost of compliance to this rule is no more than five hundred dollars (\$500) in the aggregate as ninety-six percent (96%) of the wells installed in this area currently are being installed with full length grout. Also, the drilling contractors who routinely drill in this area were aware of this issue prior to this amendment. No changes were made to this rule as a result of this comment.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 23—Division of Geology and Land Survey
Chapter 5—Heat Pump Construction Code**

ORDER OF RULEMAKING

By the authority vested in the Well Installation Board, under section 256.606, RSMo 2000, the board amends a rule as follows:

10 CSR 23-5.050 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 1, 2013 (38 MoReg 1103–1105). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed amendment was held August 1, 2013, and the public comment period ended August 8, 2013. At the public hearing, the staff from the Division of Geology and Land Survey made opening statements regarding the proposed amendment. There were five (5) people in attendance at the public hearing. Two (2) persons commented on this proposal during the hearing and ten (10) written comments were received.

COMMENT #1: The Missouri Water Well Association asked for clarification on section (2) regarding the removal of the words, "ground or into a body of water."

RESPONSE: The language stated above was removed based on the definition of a well in section 256.600.13, RSMo. Vertical ground source systems installed in a body of water are not regulated, therefore the language was removed from the rule. No change was made to the proposed amendment based on this comment.

COMMENT #2: The Missouri Water Well Association, Mr. Gerald Buechting, Mr. Lindell Lindsey, and Mr. Bob Wideman commented that in section (6), a consensus of their organization is that a bore hole depth of three hundred feet (300') is sufficient because most residential systems are not drilled deeper than three hundred feet (300').

RESPONSE: During the stakeholder process, contractors that do not belong to the Missouri Water Well Association, and some who do, were in support of this proposal. The contractors in favor of the change stated that not requiring a variance to allow drilling to a depth of five hundred feet (500') would be a cost savings to their companies. There will be no down time to contact staff to request a variance.

Support for this change is also substantiated by an analysis of the department's heat pump variance data. The analysis included data from 2010 to August 2013, and concluded that one hundred eighty-three (183) variances were approved to allow contractors to drill to a depth greater than two hundred feet (200'). Of that one hundred eighty-three (183), one hundred twenty-four (124) variances were approved to drill to a depth greater than three hundred feet (300'); the majority of those variances were at a depth greater than or equal to four hundred feet (400'). Based on this information, no change was made based on this comment.

COMMENT #3: The Missouri Water Well Association commented that subsection (7)(A) should be re-worded to say, ".....all vertical heat pump wells require annular space to be grouted full length using approved grout materials in section (8) below, except that, (B) vertical heat pump wells drilled two hundred feet (200') or less that are not grouted full length, must follow the....."

RESPONSE: Staff thinks the language printed in the *Missouri Register* is clear and follows the format of other rules in the Missouri Well Construction Rulebook. No change was made based on this comment.

COMMENT #4: There were five (5) comments that addressed subsections (7)(A) and (B) of this rule. The Missouri Water Well Association, Mr. Gerald Buechting, Mr. Lindell Lindsey, and Mr. Bob Wideman, via form letters, and Mr. Orville Schroepfer, stated that the department has not provided any evidence of a problem with grouting the wells with a series of five foot (5') plugs.

RESPONSE: Enforcement cases of violations against the Missouri Well Construction Rules, Heat Pump Construction Code on heat pump systems have documented problems with wells installed using the grouting method of a series of five foot (5') plugs. Two (2) school districts had heat pump systems installed using the grout plugs; the districts are now having problems with gas migration. This issue would have not occurred if the wells had been grouted full length. A third well constructed using the series of grout plugs also had gas migration that would not have been an issue if the wells were grouted full length.

Another heat pump system was installed that was grouted improperly using the series of plugs. The system had become inefficient, and the well owner was concerned about contamination due to the improper grouting of the wells. An enforcement action was taken and the wells were plugged.

The Missouri Well Construction Rules were promulgated to ensure the protection of Missouri's groundwater through proper well construction. Geothermal heat pump systems are being installed in increasing numbers due to their high energy efficiency, tax incentives, and rebates. Because of the increase in the number of systems being installed, it is imperative that Missouri's groundwater be protected. A specific concern is cross-contamination of different aquifers and the transport of surface contaminants to those aquifers. The above examples illustrate the potential for contaminant migration when grout plugs are used. The risk of groundwater contamination in a well is primarily controlled by the grout seal. Therefore, a full length grout seal would be the most protective.

The National Groundwater Association (NGWA) published a position paper in 2010 titled, "Construction of Vertical Loop Wells for Geothermal Heat Pump Systems" that included a position on grouting of these systems. Their position stated, "Construction of a geothermal heat pump loop includes, in continuous order, drilling of the vertical borehole into the Earth, placement of the loop tube to the bottom of the vertical borehole with the grout tremie, and grouting of the vertical borehole from the bottom of the vertical borehole to the Earth's surface."

The paper continues, "Completing a vertical borehole for a loop well requires placing grout in the space between the loop tube and the vertical borehole wall and between the loop tube by pressure pumping grout through the tremie."

The NGWA stated that the reasons for grouting are: "1) protection of the aquifer, or aquifers, including limiting the potential for water movement between aquifers, for purposes of maintaining quality or preserving the hydraulic response of the producing zone(s); 2) provide thermal contact between the loop tube and the formation (interior wall of the loop well); and 3) accomplishing 1) and 2) in an efficient and economical manner."

They concluded their position paper by stating, "Grout shall then be placed by pressure pumping through the tremie and the tremie should be raised slowly as the material is introduced...All grout shall be emplaced to the maximum extent possible in a single continuous operation upward from the bottom of the loop well." "In general, the entire length of each individual loop borehole will be grouted and/or filled."

The State of Michigan recommends (no current regulations) the space between the pipe and borehole be grouted from top to bottom (full length) using grouting procedures set forth in the Groundwater Quality Control Rules and the International Ground Source Heat Pump Association's Grouting for Vertical Heat Pump Systems, Engineering Design and Field Manual. The recommendation is based on protection of the groundwater. The website, www.wellowner.org, also cites this study and lists grouting the borehole full length as the recommended method of grouting.

No change was made based on these comments.

COMMENT #5: Mr. Lindell Lindsey, Mr. Bob Wideman, Mr. Gerald Buechting, the Missouri Water Well Association (MWWA), and Mr. Orville Schroepfer commented that the requirement for pre-notification to the department if heat pump holes are drilled to a depth of two hundred feet (200') or less and are not grouted full length is not justified and that this requirement will delay jobs and be an inconvenience to the well owner and contractor because of coordination between the department, the well owner, and the contractor. Mr. Lindsey stated that the MWWA's biggest opposition to this entire rulemaking is pre-notification; he stated this requirement is a hindrance to the contractor and home owner.

RESPONSE: When drafting the rule, staff took special care to make the pre-notification process as simple as possible. Pre-notification

can be made via email, fax, in writing, telephone (voice mail is available), or via the department's online notification system. These methods can be accessed twenty-four (24) hours a day, seven (7) days a week.

The rule does not state that there is any required coordination between the department, owner and/or contractor. Pre-notification does not constitute a requirement for pre-approval. The rule simply states that pre-notification is required at least forty-eight (48) hours prior to beginning any construction on the system. Any coordination between the well owner and the department or the contractor and the department will be handled by department staff. Therefore, no cost is associated with coordination.

More importantly, contractors or well owners are required to give notice to the Missouri One Call System of any excavation (which includes well drilling) at least two (2) days and not more than ten (10) working days in advance of beginning construction, as stated in section 319.010-319.050, RSMo. The definition of working days does not include Saturday, Sunday, or legally declared local, state, or federal holidays. Section 319.030.1 states that, "The two (2) working days provided for notice in this subsection and subsection 1 of section 319.026, shall begin at 12:00 a.m. following the receipt of the request by the notification center."

Notification to the department of the intent to install a vertical heat pump system will be less of a burden than notifying the One Call System, as the department is only requiring forty-eight (48) hours not two (2) "working days". Also, less information is required to notify the department than to notify One Call.

Because of the One Call System Law, there should be no delay or hindrance to the contractor or well owner to notify the department within forty-eight (48) hours. There is already a "delay" in the start of construction to make contact with One Call.

No changes were made based on these comments.

COMMENT #6: The Missouri Water Well Association (MWWA) commented that the rule states that the "division will maintain a list of current notification methods and current information available online or upon request." The MWWA thinks this language is vague and should be included in the rule.

RESPONSE AND EXPLANATION OF CHANGE: Staff changed the language of the rule.

COMMENT #7: The Missouri Water Well Association, Mr. Gerald Buechting, Mr. Bob Wideman, and Mr. Lindell Lindsey, via form letters, stated that the rule should have included a fiscal note stating that the proposed amendment would cost more than five hundred dollars (\$500) in the aggregate to public and private entities.

RESPONSE AND EXPLANATION OF CHANGE: The fiscal statement included on this proposed amendment did not include a fiscal note outlining the costs because the rule states that contractors may continue to install vertical heat pump wells using a series of five foot (5') plugs as the grouting method for wells drilled less than two hundred feet (200'). Full length grout is an option but not a requirement.

Staff commented that in Special Area 2 and Sensitive Area 1C, the depth of the shale in both areas warrant both methods of grouting. The rock barrier, between the aquifers (depth of the shale), in these two (2) areas provide adequate protection and make the rule consistent across the state. Staff have removed subsection (7)(C) which required all heat pump wells in Special Area 2 and Sensitive Area 1C be full length grouted. There is no cost associated with this language.

Pre-notification does not require any coordination between the well owner, the department, or the contractor. The department's pre-notification requirement is less strenuous than that of the Missouri One Call System; this should allow for the contractor or well owner to make notification to the department without any extra time spent or down time for the contractor. Therefore, no cost is associated with this language.

State entities that may have heat pump systems installed will not be affected, as they have the option to install a system using the series

of five foot (5') plugs as the grouting method. No cost is associated with this language.

Department staff routinely make site inspections in the course of their normal duties; this is not an additional duty. If staff make site visits on these wells, they will not be considered "extra" site inspections; staff often have their duties changed, added, or removed. No cost is associated with this language.

Subsection (7)(C) is being deleted.

COMMENT #8: Ms. Beth Marsala commented that in section (9), the words, "clean fill, sand, gravel, and the like" were removed. She states that this results in a fiscal note being required due to the use of chipped hydrated bentonite.

RESPONSE AND EXPLANATION OF CHANGE: Staff did not intend for the rule to read as it was interpreted by Ms. Marsala; therefore, the language has been changed to make the use of clean fill more clear. The language has been changed and is printed below.

10 CSR 23-5.050 Construction Standards for Closed-Loop Heat Pump Wells

(7) Grouting Depth of Vertical Heat Pump Wells. Grouting the annulus of a heat pump well must be completed immediately after the well is drilled due to cave-in potential in the uncased hole.

(B) Vertical heat pump wells drilled two hundred feet (200') or less that are not grouted full-length, must follow the hole size requirements stated in section (5) and nonslurry bentonite plugs must be placed in the borehole. A plug (first plug) must be placed forty feet (40') above the total depth of the borehole. This plug must be composed of bentonite chips or pellets utilizing at least one (1) bag of bentonite resulting in at least a five foot (5') plug. Every forty feet (40') of borehole that exists above the first plug must have a plug set as described in this section. A near surface plug, consisting of bentonite granules or powder, must be set from a point ten feet (10') below the bottom of the trench that connects the closed-loop to the heat pump machine to the base of the trench. All bentonite plugs must be hydrated immediately with six to eight (6-8) gallons of potable water for each bag of bentonite after emplacement if they are in the unsaturated zone. All clean fill material placed between the bentonite plugs must be chlorinated. Clean fill is defined as sand, local drill cuttings, pea gravel, varied sized agricultural lime, or clean aggregate free from contamination. Contractors utilizing this type of grouting method must notify the division at least forty-eight (48) hours prior to beginning any construction on the system. The division will maintain a list of current notification methods (includes, but is not limited to, telephone, fax, email, voice mail, and the department's online notification system) and contact information available online or upon request. Notification information must include: owner name, owner address, GPS location, date work is to begin, primary contractor name, primary contractor permit number, drilling contractor name, and drilling contractor permit number.

(9) Wells that Encounter Karst Conditions. When a borehole encounters caves or larger fractures, grouting may become difficult. Chlorinated clean fill, such as gravel or sand, may be used to fill these intervals. Small fractures are effectively sealed by using chipped, hydrated bentonite. If the borehole cannot be grouted as specified, it must be plugged.

Title 10—DEPARTMENT OF NATURAL RESOURCES Division 23—Division of Geology and Land Survey Chapter 5—Heat Pump Construction Code

ORDER OF RULEMAKING

By the authority vested in the Well Installation Board, under section 256.606, RSMo 2000, the board amends a rule as follows:

10 CSR 23-5.060 Construction Standards for Open-Loop Heat Pump Systems That Use Groundwater is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 1, 2013 (38 MoReg 1105). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed amendment was held August 1, 2013, and the public comment period ended August 8, 2013. At the public hearing, the staff from the Division of Geology and Land Survey made opening statements regarding the proposed amendment. There were five (5) people in attendance at the public hearing. One (1) written comment was received.

COMMENT #1: The Missouri Water Well Association stated that the new language implies that you must have both a supply and return well.

RESPONSE: The draft language does not include language requiring both types of wells. The new language was included to be certain both water supply and water return wells were covered under the Missouri Well Construction Rules. No change was made based on this comment.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 23—Division of Geology and Land Survey
Chapter 5—Heat Pump Construction Code**

ORDER OF RULEMAKING

By the authority vested in the Well Installation Board, under section 256.606, RSMo 2000, the board amends a rule as follows:

10 CSR 23-5.070 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 1, 2013 (38 MoReg 1105–1106). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed amendment was held August 1, 2013, and the public comment period ended August 8, 2013. At the public hearing, the staff from the Division of Geology and Land Survey made opening statements regarding the proposed amendment. Five (5) people were in attendance at the public hearing and two (2) comments were made.

COMMENT #1: Mr. Bob Lawrence and the Missouri Water Well Association commented that section (3) did not read correctly as proposed.

RESPONSE AND EXPLANATION OF CHANGE: Section (3) will be changed to make the sentence clearer.

COMMENT #2: The Missouri Water Well Association commented that the rule disallows this type of well after January 1, 2014. By eliminating these types of wells, it appears that this would be a major cost to those who drill these types of wells, requiring a fiscal note.

RESPONSE: The proposed language states that closed-loop heat pump systems that use refrigerants as the heat transfer fluid will no longer be allowed as of January 1, 2015. There is currently one (1) company that is permitted as a ground source heat pump installation contractor in the state of Missouri that installs this type of system. This company has since contacted the department stating they will no

longer be installing these types of systems due to the cost of installation and the system's inefficiency versus other types of systems. The last system utilizing this type of transfer fluid installed in the state was in 2011. The January 1, 2015, date was chosen to allow for any company who may be considering this type of installation in the state to be on notice that it will no longer be allowed. No change was made based on this comment.

10 CSR 23-5.070 Closed-Loop Heat Pump Systems That Use Refrigerants as the Heat Transfer Fluid

(3) Heat Pump systems utilizing refrigerants in their closed-loops may not be placed into vertical wells unless approval is received in advance from the division.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 23—Division of Geology and Land Survey
Chapter 5—Heat Pump Construction Code**

ORDER OF RULEMAKING

By the authority vested in the Well Installation Board, under section 256.606, RSMo 2000, the board amends a rule as follows:

10 CSR 23-5.080 Plugging of Heat Pump Wells is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 1, 2013 (38 MoReg 1106). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

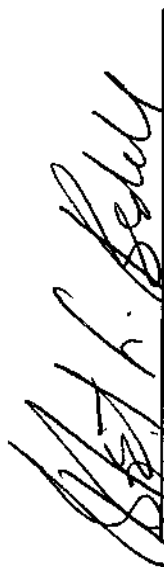
SUMMARY OF COMMENTS: A public hearing on this proposed amendment was held August 1, 2013, and the public comment period ended August 8, 2013. At the public hearing, the staff from the Division of Geology and Land Survey made opening statements regarding the proposed amendment. Five (5) people attended the public hearing. No comments were received.

ADDITION TO STATUTORY LIST OF CONTRACTORS BARRED FROM PUBLIC WORKS PROJECTS

The following is an addition to the list of contractor(s) who have been prosecuted and convicted of violating the Missouri Prevailing Wage Law, and whose Notice of Conviction has been filed with the Secretary of State pursuant to Section 290.330, RSMo. Under this statute, no public body is permitted to award a contract, directly or indirectly, for public works (1) to David E. Mollohan, (2) to any other contractor or subcontractor that is owned, operated or controlled by Mr. David E Mollohan including M & D Excavating or (3) to any other simulation of Mr. David E Mollohan or of M & D Excavating for a period of one year, or until January 10, 2014.

<u>Name of Contractor</u>	<u>Name of Officers</u>	<u>Address</u>	<u>Date of Conviction</u>	<u>Debarment Period</u>
David E. Mollohan d/b/a M & D Excavating Case No. 11WR-CR00453 Wright County Cir. Ct.		1448 Kaylor Road Mountain Grove, MO 65711	1/10/2013	1/10/2013-1/10/2014

Dated this 28th day of January, 2013.


Robert A. Bedell, Acting Division Director

The Secretary of State is required by sections 347.141 and 359.481, RSMo 2000, to publish dissolutions of limited liability companies and limited partnerships. The content requirements for the one-time publishing of these notices are prescribed by statute. This listing is published pursuant to these statutes. We request that documents submitted for publication in this section be submitted in camera ready 8 1/2" x 11" manuscript by email to dissolutions@sos.mo.gov.

NOTICE OF DISSOLUTION OF LIMITED LIABILITY COMPANY

On October 15, 2013 Phoenix New Markets Tax Credit Investment Fund III, LLC, a Missouri limited liability company, filed Articles of Dissolution with the Missouri Secretary of State. Dissolution is effective on December 1, 2013.

The Corporation requests that all persons and organizations with claims against it present them immediately by letter to the limited liability company in care of Roberto Franco, PCDIC, 200 W Washington, Phoenix, AZ 85003-1611.

All claims must include the name and address of the claimant, the amount claimed, and a brief description of the nature of the debt or basis for the claim.

NOTICE: Because of the dissolution of Phoenix New Markets Tax Credit Investment Fund III, LLC, any claims against it will be barred unless a proceeding to enforce the claim is commenced within three years after the publication date of the notice authorized by statute.

NOTICE OF WINDING UP OF LIMITED LIABILITY COMPANY TO ALL CREDITORS OF AND CLAIMANTS AGAINST MHS DISTRIBUTING, LLC

On September 17, 2013, MHS Distributing, LLC, a Missouri Limited Liability Company ("Company"), filed its Notice of Winding Up with the Missouri Secretary of State, effective on the filing date.

All persons and organizations must submit to Company, c/o Rob Redman, Redman Law Office, 9800 NW Polo, Suite 100, Kansas City, Missouri 64153, a written summary of any claims against Company, including: 1) claimant's name, address and telephone number; 2) amount of claim; 3) date(s) claim accrued (or will accrue); 4) brief description of the nature of the claim; and 5) if the claim is secured, and if so, the collateral used as security.

Because of the dissolution, any claims against Company will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the last of filing or publication of this Notice.

**NOTICE TO THE UNKNOWN CREDITORS
OF
SUPERIOR FOLDING BOX COMPANY**

You are hereby notified that on October 8, 2013, Superior Folding Box Company, a Missouri profit corporation (the "Company"), the principal office of which is located in St. Louis County, Missouri, filed Articles of Dissolution by Voluntary Action with the Secretary of State of Missouri.

In order to file a claim with the Company, you must furnish the amount and the basis for the claim and provide all necessary documentation supporting this claim. All claims must be mailed to:

200 S. Bemiston Ave.
Suite 102
St. Louis, MO 63105

Attention: Nancy Kurten

A claim against Superior Folding Box Company will be barred unless a proceeding to enforce the claim is commenced within two years after the publication of this notice.

Rule Changes Since Update to Code of State Regulations

This cumulative table gives you the latest status of rules. It contains citations of rulemakings adopted or proposed after deadline for the monthly Update Service to the *Code of State Regulations*, citations are to volume and page number in the *Missouri Register*, except for material in this issue. The first number in the table cite refers to the volume number or the publication year—37 (2012) and 38 (2013). MoReg refers to *Missouri Register* and the numbers refer to a specific *Register* page, R indicates a rescission, W indicates a withdrawal, S indicates a statement of actual cost, T indicates an order terminating a rule, N.A. indicates not applicable, RAN indicates a rule action notice, RUC indicates a rule under consideration, and F indicates future effective date.

Rule Number	Agency	Emergency	Proposed	Order	In Addition
OFFICE OF ADMINISTRATION					
1 CSR 10	State Officials' Salary Compensation Schedule				37 MoReg 1859
1 CSR 10-7.010	Commissioner of Administration		38 MoReg 1738		
1 CSR 20-5.015	Personnel Advisory Board and Division of Personnel		38 MoReg 1608		
1 CSR 20-5.020	Personnel Advisory Board and Division of Personnel		38 MoReg 1608		
DEPARTMENT OF AGRICULTURE					
2 CSR 30-2.020	Animal Health		38 MoReg 1360		
2 CSR 80-2.050	State Milk Board		38 MoReg 1363		
2 CSR 80-5.010	State Milk Board		38 MoReg 1363		
2 CSR 90-10	Weights and Measures				38 MoReg 1241
DEPARTMENT OF CONSERVATION					
3 CSR 10-3.010	Conservation Commission		38 MoReg 1742		
3 CSR 10-4.130	Conservation Commission		38 MoReg 1742		
3 CSR 10-5.430	Conservation Commission		38 MoReg 1742		
3 CSR 10-6.510	Conservation Commission		38 MoReg 1742		
3 CSR 10-6.545	Conservation Commission		38 MoReg 1743		
3 CSR 10-6.550	Conservation Commission		38 MoReg 1743		
3 CSR 10-7.410	Conservation Commission		38 MoReg 1744		
3 CSR 10-7.431	Conservation Commission		38 MoReg 1744		
3 CSR 10-7.433	Conservation Commission		38 MoReg 1744		
3 CSR 10-7.440	Conservation Commission		N.A.	38 MoReg 1561	
3 CSR 10-9.105	Conservation Commission		38 MoReg 1745		
3 CSR 10-9.110	Conservation Commission		38 MoReg 1747		
3 CSR 10-9.442	Conservation Commission		38 MoReg 1750		
3 CSR 10-10.705	Conservation Commission		38 MoReg 1750		
3 CSR 10-10.744	Conservation Commission		38 MoReg 1752		
3 CSR 10-11.130	Conservation Commission		38 MoReg 1752		
3 CSR 10-11.180	Conservation Commission		38 MoReg 1752		
3 CSR 10-11.184	Conservation Commission		38 MoReg 1753		
3 CSR 10-11.185	Conservation Commission		38 MoReg 1753		
3 CSR 10-11.205	Conservation Commission		38 MoReg 1754		
3 CSR 10-12.110	Conservation Commission		38 MoReg 1754		
3 CSR 10-12.115	Conservation Commission		38 MoReg 1755		
3 CSR 10-12.125	Conservation Commission		38 MoReg 1756		
3 CSR 10-12.135	Conservation Commission		38 MoReg 1756		
3 CSR 10-12.140	Conservation Commission		38 MoReg 1757		
3 CSR 10-12.145	Conservation Commission		38 MoReg 1757		
DEPARTMENT OF ECONOMIC DEVELOPMENT					
4 CSR 240-3.570	Public Service Commission		38 MoReg 1461R		
4 CSR 240-13.010	Public Service Commission		38 MoReg 1363		
4 CSR 240-13.015	Public Service Commission		38 MoReg 1364		
4 CSR 240-13.020	Public Service Commission		38 MoReg 1365		
4 CSR 240-13.025	Public Service Commission		38 MoReg 1366		
4 CSR 240-13.030	Public Service Commission		38 MoReg 1367		
4 CSR 240-13.035	Public Service Commission		38 MoReg 1368		
4 CSR 240-13.040	Public Service Commission		38 MoReg 1369		
4 CSR 240-13.045	Public Service Commission		38 MoReg 1370		
4 CSR 240-13.050	Public Service Commission		38 MoReg 1371		
4 CSR 240-13.055	Public Service Commission		38 MoReg 1375		
4 CSR 240-13.060	Public Service Commission		38 MoReg 1375		
4 CSR 240-13.070	Public Service Commission		38 MoReg 1376		
4 CSR 240-18.010	Public Service Commission		38 MoReg 1377		
4 CSR 240-31.010	Public Service Commission		38 MoReg 1461		
4 CSR 240-31.020	Public Service Commission		38 MoReg 1463		
4 CSR 240-31.030	Public Service Commission		38 MoReg 1464		
4 CSR 240-31.040	Public Service Commission		38 MoReg 1465R		
4 CSR 240-31.050	Public Service Commission		38 MoReg 1465R		
4 CSR 240-31.060	Public Service Commission		38 MoReg 1466		
4 CSR 240-31.065	Public Service Commission		38 MoReg 1467R		
4 CSR 240-31.070	Public Service Commission		38 MoReg 1468R		
4 CSR 240-31.080	Public Service Commission		38 MoReg 1468R		
4 CSR 240-31.090	Public Service Commission		38 MoReg 1468		
4 CSR 240-31.100	Public Service Commission		38 MoReg 1469R		
4 CSR 240-31.110	Public Service Commission		38 MoReg 1469		
4 CSR 240-31.120	Public Service Commission		38 MoReg 1470		
4 CSR 240-31.130	Public Service Commission		38 MoReg 1472		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
4 CSR 240-50.050	Public Service Commission		38 MoReg 1477		
4 CSR 240-120.065	Public Service Commission		38 MoReg 1480		
4 CSR 240-120.085	Public Service Commission		38 MoReg 1481		
4 CSR 240-120.130	Public Service Commission		38 MoReg 1481		
4 CSR 240-123.065	Public Service Commission		38 MoReg 1482		
4 CSR 240-123.070	Public Service Commission		38 MoReg 1483		
4 CSR 240-123.095	Public Service Commission		38 MoReg 1483		
4 CSR 240-125.010	Public Service Commission		38 MoReg 1484		
4 CSR 240-125.040	Public Service Commission		38 MoReg 1484		
4 CSR 240-125.070	Public Service Commission		38 MoReg 1485		
4 CSR 265-2.068	Division of Motor Carrier and Railroad Safety (<i>Changed to 7 CSR 265-10.035</i>)		38 MoReg 887	This Issue	
4 CSR 265-2.180	Division of Motor Carrier and Railroad Safety (<i>Changed to 7 CSR 265-10.140</i>)		38 MoReg 896	This Issue	
4 CSR 265-2.190	Division of Motor Carrier and Railroad Safety (<i>Changed to 7 CSR 265-10.090</i>)		38 MoReg 894	This Issue	
4 CSR 265-6.010	Division of Motor Carrier and Railroad Safety (<i>Changed to 7 CSR 265-10.055</i>)		38 MoReg 892	This Issue	
4 CSR 265-12.020	Division of Motor Carrier and Railroad Safety		38 MoReg 881R	This IssueR	
4 CSR 265-12.030	Division of Motor Carrier and Railroad Safety		38 MoReg 882R	This IssueR	
DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION					
5 CSR 10-1.010	Commissioner of Education		38 MoReg 1527		
5 CSR 20-100.255	Division of Learning Services		37 MoReg 1571	38 MoReg 520F	
5 CSR 20-100.265	Division of Learning Services		38 MoReg 1758		
5 CSR 20-200.290	Division of Learning Services		38 MoReg 1762		
5 CSR 20-200.300	Division of Learning Services		38 MoReg 1762		
5 CSR 20-300.160	Division of Learning Services		38 MoReg 1527		
5 CSR 20-300.170	Division of Learning Services		38 MoReg 1528		
5 CSR 20-300.180	Division of Learning Services		38 MoReg 1531		
5 CSR 20-300.190	Division of Learning Services		38 MoReg 1531		
5 CSR 20-300.200	Division of Learning Services		38 MoReg 1531		
5 CSR 20-400.375	Division of Learning Services		38 MoReg 825		
5 CSR 20-500.120	Division of Learning Services		38 MoReg 1764		
5 CSR 30-640.100	Division of Financial and Administrative Services		38 MoReg 1532R		
DEPARTMENT OF TRANSPORTATION					
7 CSR 10-6.010	Missouri Highways and Transportation Commission		This Issue		
7 CSR 10-6.015	Missouri Highways and Transportation Commission		This Issue		
7 CSR 10-6.020	Missouri Highways and Transportation Commission		This Issue		
7 CSR 10-6.030	Missouri Highways and Transportation Commission		This Issue		
7 CSR 10-6.040	Missouri Highways and Transportation Commission		This Issue		
7 CSR 10-6.050	Missouri Highways and Transportation Commission		This Issue		
7 CSR 10-6.060	Missouri Highways and Transportation Commission		This Issue		
7 CSR 10-6.070	Missouri Highways and Transportation Commission		This Issue		
7 CSR 10-6.080	Missouri Highways and Transportation Commission		This Issue		
7 CSR 10-6.085	Missouri Highways and Transportation Commission		This Issue		
7 CSR 10-6.090	Missouri Highways and Transportation Commission		This Issue		
7 CSR 60-2.010	Traffic and Highway Safety Division	38 MoReg 1591	38 MoReg 1610		
7 CSR 60-2.020	Traffic and Highway Safety Division	38 MoReg 1593	38 MoReg 1611		
7 CSR 60-2.030	Traffic and Highway Safety Division	38 MoReg 1595	38 MoReg 1612		
7 CSR 60-2.040	Traffic and Highway Safety Division	38 MoReg 1597	38 MoReg 1613		
7 CSR 60-2.050	Traffic and Highway Safety Division	38 MoReg 1600	38 MoReg 1615		
7 CSR 60-2.060	Traffic and Highway Safety Division		38 MoReg 1616		
7 CSR 265-10.010	Motor Carrier and Railroad Safety		38 MoReg 882	This Issue	
7 CSR 265-10.015	Motor Carrier and Railroad Safety		38 MoReg 883R	This IssueR	
			38 MoReg 883	This Issue	
7 CSR 265-10.020	Motor Carrier and Railroad Safety		38 MoReg 884R	This IssueR	
			38 MoReg 884	This Issue	
7 CSR 265-10.025	Motor Carrier and Railroad Safety		38 MoReg 885R	This IssueR	
			38 MoReg 885	This Issue	
7 CSR 265-10.030	Motor Carrier and Railroad Safety		38 MoReg 886R	This IssueR	
			38 MoReg 886	This Issue	
7 CSR 265-10.035	Motor Carrier and Railroad Safety (<i>Changed from 4 CSR 265-2.068</i>)		38 MoReg 887	This Issue	
7 CSR 265-10.040	Motor Carrier and Railroad Safety		38 MoReg 888R	This IssueR	
			38 MoReg 888	This Issue	
7 CSR 265-10.045	Motor Carrier and Railroad Safety		38 MoReg 889	This Issue	
7 CSR 265-10.050	Motor Carrier and Railroad Safety		38 MoReg 889	This Issue	
7 CSR 265-10.055	Motor Carrier and Railroad Safety (<i>Changed from 4 CSR 265-6.010</i>)		38 MoReg 892	This Issue	
7 CSR 265-10.060	Motor Carrier and Railroad Safety		38 MoReg 893R	This IssueR	
7 CSR 265-10.070	Motor Carrier and Railroad Safety		38 MoReg 893R	This IssueR	
7 CSR 265-10.080	Motor Carrier and Railroad Safety		38 MoReg 893R	This IssueR	
7 CSR 265-10.090	Motor Carrier and Railroad Safety (<i>Changed from 4 CSR 265-2.190</i>)		38 MoReg 894	This Issue	
7 CSR 265-10.100	Motor Carrier and Railroad Safety		38 MoReg 894	This Issue	
7 CSR 265-10.110	Motor Carrier and Railroad Safety		38 MoReg 895R	This IssueR	
			38 MoReg 895	This Issue	

Rule Number	Agency	Emergency	Proposed	Order	In Addition
7 CSR 265-10.120	Motor Carrier and Railroad Safety		38 MoReg 896R	This IssueR	
7 CSR 265-10.130	Motor Carrier and Railroad Safety		38 MoReg 896	This Issue	
7 CSR 265-10.140	Motor Carrier and Railroad Safety (Changed from 4 CSR 265-2.180)		38 MoReg 896	This Issue	
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS					
8 CSR 10-3.085	Division of Employment Security		This Issue		
8 CSR 10-3.150	Division of Employment Security	38 MoReg 1515	38 MoReg 1532		
8 CSR 10-4.020	Division of Employment Security		38 MoReg 1533		
8 CSR 10-4.210	Division of Employment Security	38 MoReg 1516	38 MoReg 1533		
8 CSR 10-5.010	Division of Employment Security		38 MoReg 1100	38 MoReg 1667	
DEPARTMENT OF NATURAL RESOURCES					
10 CSR 10-3.010	Air Conservation Commission		38 MoReg 1100R		
10 CSR 10-5.240	Air Conservation Commission		This IssueR		
10 CSR 10-6.020	Air Conservation Commission		38 MoReg 1265		
10 CSR 10-6.040	Air Conservation Commission		38 MoReg 689	38 MoReg 1562	
10 CSR 10-6.070	Air Conservation Commission		38 MoReg 898	38 MoReg 1827	
10 CSR 10-6.075	Air Conservation Commission		38 MoReg 899	38 MoReg 1827	
10 CSR 10-6.080	Air Conservation Commission		38 MoReg 902	38 MoReg 1827	
10 CSR 10-6.130	Air Conservation Commission		38 MoReg 903	38 MoReg 1827	
10 CSR 10-6.161	Air Conservation Commission		38 MoReg 1297		
10 CSR 10-6.200	Air Conservation Commission		38 MoReg 1382		
10 CSR 10-6.310	Air Conservation Commission				38 MoReg 1669
10 CSR 20-6.011	Clean Water Commission		38 MoReg 1534		
10 CSR 20-7.015	Clean Water Commission		38 MoReg 913		
10 CSR 20-7.031	Clean Water Commission		38 MoReg 939		
10 CSR 23-5.010	Division of Geology and Land Survey		38 MoReg 1101	This Issue	
10 CSR 23-5.020	Division of Geology and Land Survey		38 MoReg 1101	This Issue	
10 CSR 23-5.030	Division of Geology and Land Survey		38 MoReg 1102	This Issue	
10 CSR 23-5.040	Division of Geology and Land Survey		38 MoReg 1102	This Issue	
10 CSR 23-5.050	Division of Geology and Land Survey		38 MoReg 1103	This Issue	
10 CSR 23-5.060	Division of Geology and Land Survey		38 MoReg 1105	This Issue	
10 CSR 23-5.070	Division of Geology and Land Survey		38 MoReg 1105	This Issue	
10 CSR 23-5.080	Division of Geology and Land Survey		38 MoReg 1106	This Issue	
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10 CSR 26-2.078	Petroleum and Hazardous Substance Storage Tanks		38 MoReg 1161		
10 CSR 26-2.082	Petroleum and Hazardous Substance Storage Tanks		38 MoReg 1162		
10 CSR 40-6.030	Land Reclamation Commission		38 MoReg 1298		
10 CSR 40-6.070	Land Reclamation Commission		38 MoReg 1299		
10 CSR 40-6.100	Land Reclamation Commission		38 MoReg 1300		
10 CSR 40-8.030	Land Reclamation Commission		38 MoReg 1301		
10 CSR 40-8.040	Land Reclamation Commission		38 MoReg 1301		
10 CSR 140-2	Division of Energy				38 MoReg 432 38 MoReg 1431
10 CSR 140-5.010	Division of Energy		38 MoReg 1106R	38 MoReg 1667R	
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11 CSR 30-14.010	Office of the Director	38 MoReg 243	38 MoReg 249 38 MoReg 1486		
11 CSR 30-15.010	Office of the Director	38 MoReg 1351	38 MoReg 1391		
11 CSR 45-8.010	Missouri Gaming Commission		38 MoReg 691	38 MoReg 1562	
11 CSR 45-8.060	Missouri Gaming Commission		38 MoReg 691	38 MoReg 1562	
11 CSR 45-8.090	Missouri Gaming Commission		38 MoReg 692	38 MoReg 1563	
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11 CSR 45-8.150	Missouri Gaming Commission		38 MoReg 692	38 MoReg 1563	
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11 CSR 45-9.118	Missouri Gaming Commission		38 MoReg 828	38 MoReg 1832	
11 CSR 75-17.010	Peace Officer Standards and Training Program	38 MoReg 1517	38 MoReg 1549		
11 CSR 75-17.020	Peace Officer Standards and Training Program	38 MoReg 1518	38 MoReg 1549		
11 CSR 75-17.030	Peace Officer Standards and Training Program	38 MoReg 1518	38 MoReg 1549		
11 CSR 75-17.040	Peace Officer Standards and Training Program	38 MoReg 1519	38 MoReg 1550		
11 CSR 85-1.010	Veterans Affairs		38 MoReg 1163	38 MoReg 1832	
11 CSR 85-1.015	Veterans Affairs		38 MoReg 1163	38 MoReg 1832	
11 CSR 85-1.020	Veterans Affairs		38 MoReg 1164	38 MoReg 1832	
11 CSR 85-1.030	Veterans Affairs		38 MoReg 1164	38 MoReg 1833	
11 CSR 85-1.040	Veterans Affairs		38 MoReg 1165	38 MoReg 1833	
11 CSR 85-1.050	Veterans Affairs		38 MoReg 1165	38 MoReg 1833	
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12 CSR 10-23.500	Director of Revenue	38 MoReg 1520	38 MoReg 1550		
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13 CSR 40-2.010	Family Support Division		38 MoReg 1393		
13 CSR 40-7.010	Family Support Division		38 MoReg 1394		
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13 CSR 40-7.040	Family Support Division		38 MoReg 1397		

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13 CSR 40-100.040	Family Support Division	38 MoReg 1601	38 MoReg 1617		
13 CSR 70-3.030	MO HealthNet Division		38 MoReg 1617		
13 CSR 70-3.200	MO HealthNet Division		This Issue		
13 CSR 70-4.120	MO HealthNet Division		38 MoReg 1765		
13 CSR 70-10.015	MO HealthNet Division		38 MoReg 1218		
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13 CSR 70-15.030	MO HealthNet Division		38 MoReg 1618		
13 CSR 70-15.110	MO HealthNet Division	38 MoReg 1216	38 MoReg 1226		
13 CSR 70-15.160	MO HealthNet Division		38 MoReg 1232		
13 CSR 70-20.031	MO HealthNet Division		38 MoReg 1619		
13 CSR 70-20.032	MO HealthNet Division		38 MoReg 1620		
13 CSR 70-20.050	MO HealthNet Division		38 MoReg 1620		
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13 CSR 70-20.310	MO HealthNet Division		38 MoReg 1622		
13 CSR 70-25.120	MO HealthNet Division		This Issue		
13 CSR 70-40.010	MO HealthNet Division		This Issue		
13 CSR 70-45.010	MO HealthNet Division		This Issue		
13 CSR 70-50.010	MO HealthNet Division		38 MoReg 1770		
13 CSR 70-60.010	MO HealthNet Division		38 MoReg 1776		
13 CSR 70-70.010	MO HealthNet Division		38 MoReg 1776		
13 CSR 70-98.015	MO HealthNet Division		38 MoReg 1777		
13 CSR 70-98.020	MO HealthNet Division		This Issue		

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15 CSR 30-15.010	Secretary of State		38 MoReg 1553		
15 CSR 30-15.020	Secretary of State		38 MoReg 1553		
15 CSR 30-15.030	Secretary of State		38 MoReg 1486		
15 CSR 30-50.010	Secretary of State		38 MoReg 835		
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15 CSR 30-52.015	Secretary of State		38 MoReg 836		
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15 CSR 30-54.070	Secretary of State		38 MoReg 837		
15 CSR 30-54.150	Secretary of State		38 MoReg 838		
15 CSR 30-90.010	Secretary of State	38 MoReg 1522	38 MoReg 1554		
15 CSR 30-90.090	Secretary of State	38 MoReg 1522	38 MoReg 1554		
15 CSR 30-90.170	Secretary of State	38 MoReg 1523	38 MoReg 1555		
15 CSR 50-3.095	Treasurer		38 MoReg 1166	38 MoReg 1667	

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16 CSR 10-1.040	The Public School Retirement System of Missouri		38 MoReg 1232		
16 CSR 10-3.010	The Public School Retirement System of Missouri		38 MoReg 1233		
16 CSR 10-4.005	The Public School Retirement System of Missouri		38 MoReg 1234		
16 CSR 10-5.010	The Public School Retirement System of Missouri		38 MoReg 1235		
16 CSR 10-6.020	The Public School Retirement System of Missouri		38 MoReg 1235		
16 CSR 10-6.060	The Public School Retirement System of Missouri		38 MoReg 1237		

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19 CSR 25-30.050	State Public Health Laboratory	38 MoReg 1604	38 MoReg 1625		
19 CSR 25-30.051	State Public Health Laboratory		38 MoReg 1625		
19 CSR 25-30.060	State Public Health Laboratory	38 MoReg 1604	38 MoReg 1626		
19 CSR 30-20.098	Division of Regulation and Licensure		38 MoReg 1166		
19 CSR 30-20.110	Division of Regulation and Licensure		38 MoReg 1167		
19 CSR 30-20.112	Division of Regulation and Licensure		38 MoReg 1168		
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19 CSR 30-20.122	Division of Regulation and Licensure		38 MoReg 1170R		
19 CSR 30-20.124	Division of Regulation and Licensure		38 MoReg 1171		
19 CSR 30-20.142	Division of Regulation and Licensure		38 MoReg 1171		
19 CSR 60-50	Missouri Health Facilities Review Committee				38 MoReg 1569 38 MoReg 1834

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20 CSR	Construction Claims Binding Arbitration Cap				38 MoReg 147
20 CSR	Sovereign Immunity Limits				38 MoReg 147
20 CSR	State Legal Expense Fund Cap				38 MoReg 147
20 CSR 200-2.100	Insurance Solvency and Company Regulation	38 MoReg 1695	38 MoReg 1778		
20 CSR 400-2.160	Life, Annuities and Health		38 MoReg 1555		
20 CSR 400-5.600	Life, Annuities and Health		This Issue		
20 CSR 400-11.100	Life, Annuities and Health	38 MoReg 1353	38 MoReg 1397		
20 CSR 400-11.120	Life, Annuities and Health	38 MoReg 1732	38 MoReg 1816		
20 CSR 400-12.100	Life, Annuities and Health	38 MoReg 1737	38 MoReg 1826		
20 CSR 1140-30.240	Division of Finance		38 MoReg 1628		

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20 CSR 2030-2.040	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		38 MoReg 1487		
20 CSR 2030-2.050	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		38 MoReg 1487		
20 CSR 2030-2.060	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		38 MoReg 1487		
20 CSR 2063-1.015	Behavior Analyst Advisory Board		38 MoReg 1106	38 MoReg 1667	
20 CSR 2063-2.005	Behavior Analyst Advisory Board		38 MoReg 1110	38 MoReg 1668	
20 CSR 2063-2.020	Behavior Analyst Advisory Board		38 MoReg 1110	38 MoReg 1668	
20 CSR 2063-6.005	Behavior Analyst Advisory Board		38 MoReg 1631		
20 CSR 2085-12.010	Board of Cosmetology and Barber Examiners		38 MoReg 1637		
20 CSR 2085-12.020	Board of Cosmetology and Barber Examiners		38 MoReg 1637		
20 CSR 2085-13.070	Board of Cosmetology and Barber Examiners		38 MoReg 1638		
20 CSR 2145-1.040	Missouri Board of Geologist Registration		38 MoReg 1114		
20 CSR 2145-2.020	Missouri Board of Geologist Registration		38 MoReg 1116		
20 CSR 2145-2.030	Missouri Board of Geologist Registration		38 MoReg 1116		
20 CSR 2145-2.065	Missouri Board of Geologist Registration		38 MoReg 1117		
20 CSR 2145-2.080	Missouri Board of Geologist Registration		38 MoReg 1120		
20 CSR 2165-1.020	Board of Examiners for Hearing Instrument Specialists		38 MoReg 1638		
20 CSR 2165-2.030	Board of Examiners for Hearing Instrument Specialists		38 MoReg 1641		
20 CSR 2193-1.010	Interior Design Council		38 MoReg 1122	38 MoReg 1668	
20 CSR 2193-2.020	Interior Design Council		38 MoReg 1122	38 MoReg 1668	
20 CSR 2193-4.010	Interior Design Council		38 MoReg 1122	38 MoReg 1668	
20 CSR 2193-5.010	Interior Design Council		38 MoReg 1126	38 MoReg 1668	
20 CSR 2200-1.010	State Board of Nursing		38 MoReg 1641		
20 CSR 2200-4.020	State Board of Nursing		38 MoReg 1642		
20 CSR 2200-4.030	State Board of Nursing		38 MoReg 1556		
20 CSR 2205-3.030	Missouri Board of Occupational Therapy		38 MoReg 1303		
20 CSR 2220-2.950	State Board of Pharmacy		38 MoReg 1237		
20 CSR 2231-2.010	Division of Professional Registration		38 MoReg 1643		
20 CSR 2232-1.040	Missouri State Committee of Interpreters		38 MoReg 1409		
20 CSR 2232-2.010	Missouri State Committee of Interpreters		38 MoReg 1412		
20 CSR 2232-2.020	Missouri State Committee of Interpreters		38 MoReg 1416		
20 CSR 2232-2.030	Missouri State Committee of Interpreters		38 MoReg 1420		
20 CSR 2234-1.010	Board of Private Investigator Examiners		38 MoReg 1643		
20 CSR 2234-1.020	Board of Private Investigator Examiners		38 MoReg 1643		
20 CSR 2234-1.030	Board of Private Investigator Examiners		38 MoReg 1644		
20 CSR 2234-1.040	Board of Private Investigator Examiners		38 MoReg 1644		
20 CSR 2234-1.050	Board of Private Investigator Examiners		38 MoReg 1645		
20 CSR 2234-2.010	Board of Private Investigator Examiners		38 MoReg 1649		
20 CSR 2234-2.015	Board of Private Investigator Examiners		38 MoReg 1649		
20 CSR 2234-2.020	Board of Private Investigator Examiners		38 MoReg 1654		
20 CSR 2234-2.030	Board of Private Investigator Examiners		38 MoReg 1654		
20 CSR 2234-2.040	Board of Private Investigator Examiners		38 MoReg 1654		
20 CSR 2234-3.010	Board of Private Investigator Examiners		38 MoReg 1658		
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20 CSR 2234-3.070	Board of Private Investigator Examiners		38 MoReg 1659		
20 CSR 2234-4.010	Board of Private Investigator Examiners		38 MoReg 1660R		
20 CSR 2234-4.020	Board of Private Investigator Examiners		38 MoReg 1660R		
20 CSR 2234-4.030	Board of Private Investigator Examiners		38 MoReg 1660R		
20 CSR 2234-4.040	Board of Private Investigator Examiners		38 MoReg 1660R		
20 CSR 2234-4.050	Board of Private Investigator Examiners		38 MoReg 1661R		
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20 CSR 2234-7.010	Board of Private Investigator Examiners		38 MoReg 1665		
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20 CSR 2235-1.025	State Committee of Psychologists		38 MoReg 1179		
20 CSR 2235-1.026	State Committee of Psychologists		38 MoReg 1179		
20 CSR 2235-1.030	State Committee of Psychologists		38 MoReg 1179R		
			38 MoReg 1180		
20 CSR 2235-2.060	State Committee of Psychologists		38 MoReg 1182		
20 CSR 2235-2.065	State Committee of Psychologists		38 MoReg 1182		
20 CSR 2245-1.010	Real Estate Appraisers		38 MoReg 1303		
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20 CSR 2245-3.010	Real Estate Appraisers		38 MoReg 1304		
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20 CSR 2245-8.030	Real Estate Appraisers		38 MoReg 1306		
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22 CSR 10-2.094	Health Care Plan	38 MoReg 1524	38 MoReg 1557		
22 CSR 10-2.120	Health Care Plan	38 MoReg 1525	38 MoReg 1559		
22 CSR 10-2.130	Health Care Plan	38 MoReg 1359R	38 MoReg 1420R		
22 CSR 10-3.130	Health Care Plan	38 MoReg 1359R	38 MoReg 1423R		

Emergency Rule Table

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4 CSR 85-8.010	Definitions	Next Issue	Nov. 7, 2013May 5, 2014
4 CSR 85-8.020	Program Administration	Next Issue	Nov. 7, 2013May 5, 2014
4 CSR 85-8.030	Tax Credit Accountability Act Compliance	Next Issue	Nov. 7, 2013May 5, 2014
4 CSR 85-9.010	Definitions	Next Issue	Nov. 7, 2013May 5, 2014
4 CSR 85-9.020	Application Process	Next Issue	Nov. 7, 2013May 5, 2014
4 CSR 85-9.030	Project Proposal	Next Issue	Nov. 7, 2013May 5, 2014
4 CSR 85-9.040	Event Notification	Next Issue	Nov. 7, 2013May 5, 2014
4 CSR 85-9.050	Final Application	Next Issue	Nov. 7, 2013May 5, 2014
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7 CSR 60-2.010	Definitions38 MoReg 1591	Oct. 1, 2013March 29, 2014
7 CSR 60-2.020	Approval Procedure38 MoReg 1593	Oct. 1, 2013March 29, 2014
7 CSR 60-2.030	Standards and Specifications . . . . .	.38 MoReg 1595	Oct. 1, 2013March 29, 2014
7 CSR 60-2.040	Responsibilities of Authorized Service Providers . . . . .	.38 MoReg 1597	Oct. 1, 2013March 29, 2014
7 CSR 60-2.050	Breath Alcohol Ignition Interlock Devise Security38 MoReg 1600	Oct. 1, 2013March 29, 2014
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8 CSR 10-3.150	Fraud Penalties on Federal and State Benefits38 MoReg 1515	Oct. 1, 2013March 29, 2014
8 CSR 10-4.210	Prohibition on the Non-Charging Benefits38 MoReg 1516	Oct. 1, 2013March 29, 2014
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11 CSR 30-15.010	Format for Concealed Carry Permits38 MoReg 1351	Aug. 28, 2013Feb. 27, 2014
Peace Officer Standards and Training Program			
11 CSR 75-17.010	Minimum Training Standards for School Protection Officer Training Centers . . . . .	.38 MoReg 1517	Sept. 2, 2013Feb. 28, 2014
11 CSR 75-17.020	Minimum Training Standards for School Protection Officer Training Instructors . . . . .	.38 MoReg 1518	Sept. 2, 2013Feb. 28, 2014
11 CSR 75-17.030	Minimum Training Standards for School Protection Officers . . . . .	.38 MoReg 1518	Sept. 2, 2013Feb. 28, 2014
11 CSR 75-17.040	Minimum Continuing Education Training Standards for School Protection Officers38 MoReg 1519	Sept. 2, 2013Feb. 28, 2014
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12 CSR 10-23.500	Optional Second Plate for Commercial Motor Vehicles38 MoReg 1520	Aug. 29, 2013Feb. 27, 2014
12 CSR 10-41.010	Annual Adjusted Rate of Interest	Next Issue	Jan. 1, 2014June 29, 2014
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13 CSR 40-100.040	State Directory of New Hires38 MoReg 1601	Sept. 26, 2013March 24, 2014
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13 CSR 70-10.160	Public/Private Long-Term Care Services and Supports Partnership Supplemental Payment to Nursing Facilities38 MoReg 1520	Sept. 7, 2013March 5, 2014
13 CSR 70-15.010	Inpatient Hospital Services Reimbursement Plan; Outpatient Hospital Services Reimbursement Methodology . . . . .	.38 MoReg 1215	July 1, 2013Dec. 28, 2013
13 CSR 70-15.110	Federal Reimbursement Allowance (FRA)38 MoReg 1216	July 1, 2013Dec. 28, 2013
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15 CSR 30-90.010	Definitions38 MoReg 1522	Aug. 28, 2013Feb. 27, 2014
15 CSR 30-90.090	Refusal to File; Cancellation; Defects in Filing38 MoReg 1522	Aug. 28, 2013Feb. 27, 2014
15 CSR 30-90.170	Status of Parties upon Filing an Information Statement38 MoReg 1523	Aug. 28, 2013Feb. 27, 2014

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19 CSR 25-30.031	Type II Permits38 MoReg 1602	Sept. 15, 2013 March 13, 2014
19 CSR 25-30.050	Approved Breath Analyzers38 MoReg 1604	Sept. 15, 2013 March 13, 2014
19 CSR 25-30.060	Operating Procedures for Breath Analyzers38 MoReg 1604	Sept. 15, 2013 March 13, 2014
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20 CSR 200-2.100	Credit for Reinsurance38 MoReg 1695	Jan. 1, 2014 June 29, 2014
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20 CSR 400-11.100	Navigator Examination and Licensing Procedures and Standards38 MoReg 1353	Aug. 3, 2013 Jan. 29, 2014
20 CSR 400-11.120	Continuing Education for Individual Navigators . . . . .	.38 MoReg 1732	Sept. 30, 2013 March 28, 2014
20 CSR 400-12.100	Missouri Health Insurance Pool Transitional Plan of Operation38 MoReg 1737	Sept. 30, 2013 March 28, 2014
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20 CSR 2010-2.160	Fees38 MoReg 1159	June 28, 2013 Feb. 27, 2014
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20 CSR 2015-1.030	Fees38 MoReg 751	April 18, 2013 Jan. 28, 2014
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20 CSR 2095-1.020	Fees38 MoReg 751	April 18, 2013 Jan. 28, 2014
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22 CSR 10-2.010	Definitions	Next Issue	Jan. 1, 2014 June 29, 2014
22 CSR 10-2.020	General Membership Provisions	Next Issue	Jan. 1, 2014 June 29, 2014
22 CSR 10-2.030	Contributions	Next Issue	Jan. 1, 2014 June 29, 2014
22 CSR 10-2.045	Plan Utilization Review Policy	Next Issue	Jan. 1, 2014 June 29, 2014
22 CSR 10-2.051	PPO 300 Plan Benefit Provisions and Covered Charges	Next Issue	Jan. 1, 2014 June 29, 2014
22 CSR 10-2.052	PPO 600 Plan Benefit Provisions and Covered Charges	Next Issue	Jan. 1, 2014 June 29, 2014
22 CSR 10-2.053	High Deductible Health Plan Benefit Provisions and Covered Charges	Next Issue	Jan. 1, 2014 June 29, 2014
22 CSR 10-2.054	Medicare Supplement Plan Benefit Provisions and Covered Charges	Next Issue	Jan. 1, 2014 June 29, 2014
22 CSR 10-2.055	Medical Plan Benefit Provisions and Covered Charges	Next Issue	Jan. 1, 2014 June 29, 2014
22 CSR 10-2.055	Medical Plan Benefit Provisions and Covered Charges	Next Issue	Jan. 1, 2014 June 29, 2014
22 CSR 10-2.060	PPO 300 Plan, PPO 600 Plan, and HDHP Limitations	Next Issue	Jan. 1, 2014 June 29, 2014
22 CSR 10-2.070	Coordination of Benefits	Next Issue	Jan. 1, 2014 June 29, 2014
22 CSR 10-2.075	Review and Appeals Procedure	Next Issue	Jan. 1, 2014 June 29, 2014
22 CSR 10-2.089	Pharmacy Employer Group Waiver Plan for Medicare Primary Members	Next Issue	Jan. 1, 2014 June 29, 2014
22 CSR 10-2.090	Pharmacy Benefit Summary	Next Issue	Jan. 1, 2014 June 29, 2014
22 CSR 10-2.094	Tobacco-Free Incentive Provisions and Limitations . . . . .	.38 MoReg 1524	Oct. 1, 2013 March 29, 2014
22 CSR 10-2.120	Wellness Program . . . . .	.38 MoReg 1525	Oct. 1, 2013 March 29, 2014
22 CSR 10-2.130	Additional Plan Options . . . . .	.38 MoReg 1359	July 26, 2013 Jan. 21, 2014
22 CSR 10-2.140	Wellness Center Provisions, Charges, and Services	Next Issue	Jan. 1, 2014 June 29, 2014
22 CSR 10-2.090	Pharmacy Benefit Summary	Next Issue	Jan. 1, 2014 June 29, 2014
22 CSR 10-3.010	Definitions	Next Issue	Jan. 1, 2014 June 29, 2014
22 CSR 10-3.020	General Membership Provisions	Next Issue	Jan. 1, 2014 June 29, 2014
22 CSR 10-3.045	Plan Utilization Review Policy	Next Issue	Jan. 1, 2014 June 29, 2014
22 CSR 10-3.053	PPO 1000 Plan Benefit Provisions and Covered Charges	Next Issue	Jan. 1, 2014 June 29, 2014
22 CSR 10-3.054	PPO 2000 Plan Benefit Provisions and Covered Charges	Next Issue	Jan. 1, 2014 June 29, 2014
22 CSR 10-3.055	High Deductible Health Plan Provisions and Covered Charges	Next Issue	Jan. 1, 2014 June 29, 2014
22 CSR 10-3.056	PPO 600 Plan Benefit Provisions and Covered Charges	Next Issue	Jan. 1, 2014 June 29, 2014
22 CSR 10-3.057	Medicare Plan Benefit Provisions and Covered Charges	Next Issue	Jan. 1, 2014 June 29, 2014
22 CSR 10-3.057	Medicare Plan Benefit Provisions and Covered Charges	Next Issue	Jan. 1, 2014 June 29, 2014
22 CSR 10-3.060	PPO 600, PPO 1000 Plan, and HDHP Limitations	Next Issue	Jan. 1, 2014 June 29, 2014
22 CSR 10-3.075	Review and Appeals Procedure	Next Issue	Jan. 1, 2014 June 29, 2014

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22 CSR 10-3.090	Pharmacy Benefit Summary	Next Issue	Jan. 1, 2014 June 29, 2014
22 CSR 10-3.130	Additional Plan Options	38 MoReg 1359	July 26, 2013 Jan. 21, 2014

**Executive
Orders****Subject Matter****Filed Date****Publication****2013**

13-13	Advises that state offices will be closed on Friday November 29, 2013.	Nov. 1, 2013	This Issue
13-12	Activates the state militia in response to the heavy rains, flooding, and flash flooding that began on Aug. 2, 2013.	Aug. 7, 2013	38 MoReg 1459
13-11	Declares a state of emergency and activates the Missouri State Operation Plan due to heavy rains, flooding, and flash flooding.	Aug. 6, 2013	38 MoReg 1457
13-10	Declares a state of emergency exists in the state of Missouri and directs that the Missouri State Emergency Operations Plan be activated.	May 31, 2013	38 MoReg 1097
13-09	Designates members of the governor's staff to have supervisory authority over certain departments, divisions, and agencies.	May 3, 2013	38 MoReg 879
13-08	Activates the state militia in response to severe weather that began on April 16, 2013.	April 19, 2013	38 MoReg 823
13-07	Declares a state of emergency and directs that the Missouri State Emergency Operations Plan be activated due to severe weather that began on April 16, 2013.	April 19, 2013	38 MoReg 821
13-06	Declares a state of emergency and activates the Missouri State Emergency Operations Plan in response to severe weather that began on April 10, 2013.	April 10, 2013	38 MoReg 753
13-05	Declares a state of emergency and directs that the Missouri State Emergency Operations Plan be activated due to severe weather that began on Feb. 20, 2013.	Feb. 21, 2013	38 MoReg 505
13-04	Expresses the commitment of the state of Missouri to the establishment of Western Governors University (WGU) as a non-profit institution of higher education located in Missouri that will provide enhanced access for Missourians to enroll in and complete on-line, competency-based higher education programs. Contemporaneously with this Executive Order, the state of Missouri is entering into a Memorandum of Understanding (MOU) with WGU to further memorialize and establish the partnership between the state of Missouri and WGU.	Feb. 15, 2013	38 MoReg 467
13-03	Orders the transfer of the Division of Energy from the Missouri Department of Natural Resources to the Missouri Department of Economic Development.	Feb. 4, 2013	38 MoReg 465
13-02	Orders the transfer of the post-issuance compliance functions for tax credit and job incentive programs from the Missouri Department of Economic Development to the Missouri Department of Revenue.	Feb. 4, 2013	38 MoReg 463
13-01	Orders the transfer of the Center for Emergency Response and Terrorism from the Department of Health and Senior Services to the Department of Public Safety.	Feb. 4, 2013	38 MoReg 461
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12-12	Reauthorizes the Governor's Committee to End Chronic Homelessness until December 31, 2016.	Dec. 31, 2012	38 MoReg 246
12-11	Advises that state offices located in Cole County will be closed on Monday, January 14, 2013, for the inauguration.	Dec. 20, 2012	38 MoReg 245
12-10	Advises that state offices will be closed on Friday November 23, 2012.	Nov. 2, 2012	37 MoReg 1639
12-09	Extends Executive Order 12-08 in order to extend the deadline for completion of approved projects under the Emergency Cost-Share Program and establishes a Program Audit and Compliance Team to inspect a sample of completed projects. It also extends Executive Order 12-07 until Nov. 15, 2012.	Sept. 10, 2012	37 MoReg 1519
12-08	Authorizes the State Soil and Water Districts Commission to implement an emergency cost-share program to address water challenges to landowners engaged in livestock or crop production due to the current drought. Additionally, it establishes the Agriculture Water Resource Technical Review Team.	July 23, 2012	37 MoReg 1294
12-07	Declares a state of emergency, directs the Missouri State Emergency Operations Plan be activated, and extends Executive Order 12-06 to Oct. 1, 2012, in response to the severe heat, dry conditions, and fire risks affecting the state.	July 23, 2012	37 MoReg 1292
12-06	Activates the Missouri State Emergency Operations Center and directs the State Emergency Management Agency, State Fire Marshall, Adjutant General, and such other agencies to coordinate with local authorities affected by fire danger due to the prolonged period of record heat and low precipitation.	June 29, 2012	37 MoReg 1139
12-05	Extends Executive Orders 11-06, 12-03, 11-07, 11-11, 11-14, and 12-04 until June 1, 2012.	March 13, 2012	37 MoReg 569

**Executive
Orders**

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12-04	Activates the state militia in response to severe weather that began on February 28, 2012.	Feb. 29, 2012	37 MoReg 503
12-03	Declares a state of emergency and directs that the Missouri State Emergency Operations Plan be activated due to the severe weather that began on February 28, 2012.	Feb. 29, 2012	37 MoReg 501
12-02	Orders the transfer of all authority, powers, and duties of all remaining audit and compliance responsibilities relating to Medicaid Title XIX, SCHIP Title XXI, and Medicaid Waiver programs from the Dept. of Health and Senior Services and the Dept. of Mental Health to the Dept. of Social Services effective Aug. 28, 2012, unless disapproved within sixty days of its submission to the Second Regular Session of the 96th General Assembly.	Jan. 23, 2012	37 MoReg 313
12-01	Designates members of the governor's staff to have supervisory authority over certain departments, divisions, and agencies.	Jan. 23, 2012	37 MoReg 311

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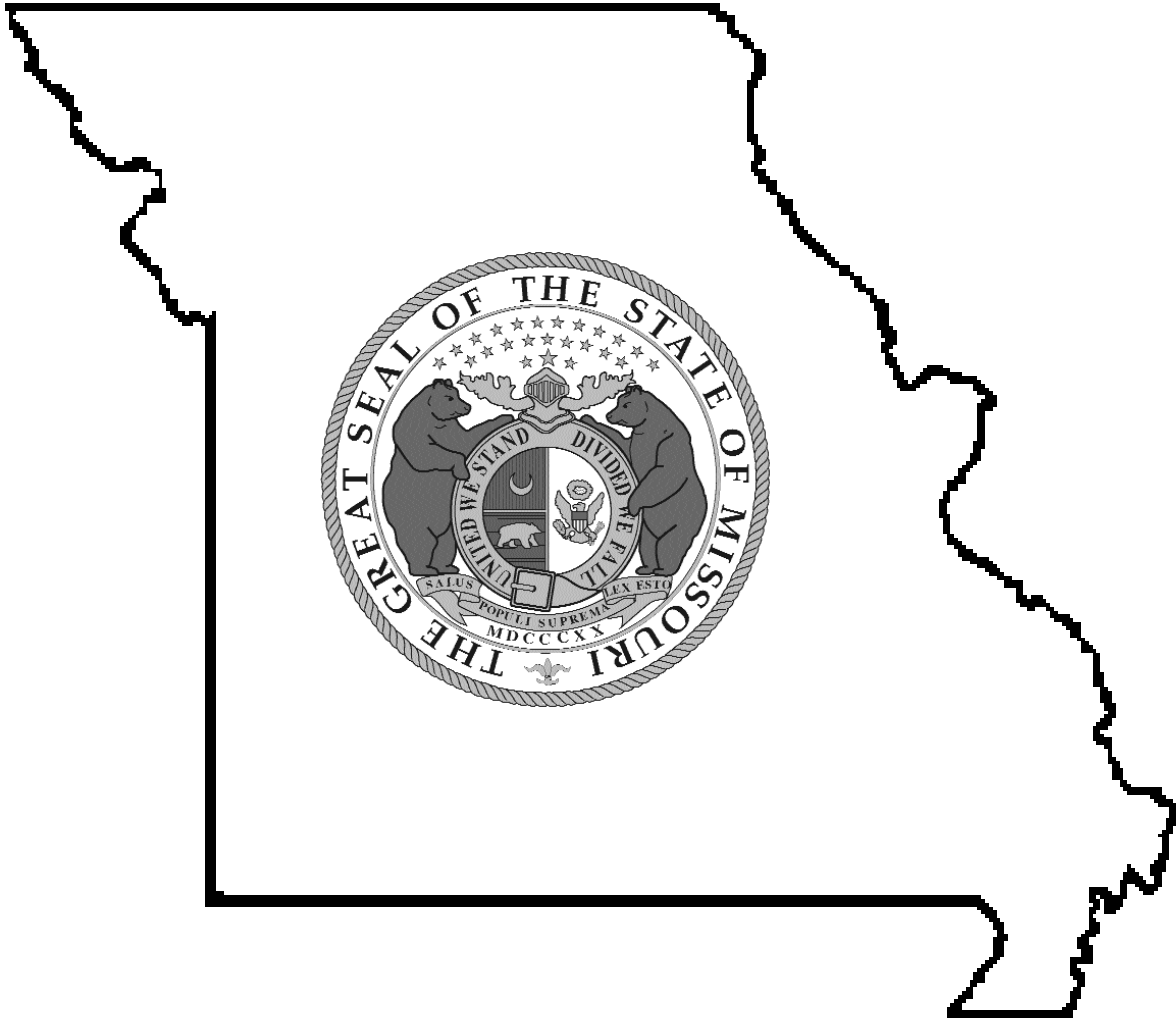
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